

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____^x
GRISELDA BIELINSKI and MARIO PARDO,

Plaintiffs,

-against-

HOTEL PIERRE,

Defendant.
_____^x

07 Civ. 11636 (SS, JCF)

**AFFIDAVIT IN SUPPORT
OF DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

YVONNE MANCINI, being duly sworn, deposes and says:

1. I am the Director of Human Resources for IHMS, LLC d/b/a The Pierre (the "Hotel") and I submit this affidavit in support of the Hotel's Motion for Summary Judgment.

BACKGROUND INFORMATION

2. The Hotel is a luxury transient hotel and cooperative apartment building located at 2 East 61st Street in New York, New York.

3. The Hotel is bound by the terms of a collective bargaining agreement, known as the Industry-Wide Agreement (the "IWA"), between the Hotel Association of New York City, Inc. and the New York Hotel & Motel Trades Council AFL-CIO (the "Union") which governs the terms and conditions of employees who are members of the Union.

PROCEDURAL HISTORY

4. Plaintiffs commenced this action by filing a Complaint on or about December 28, 2007, alleging that they were denied a promotion to Banquet Captain at the Hotel on the basis of their age, in violation of the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. §623, New York Executive Law, (the "New York State Human Rights Law" or "NYSHRL"), §296(i) et. seq., and the New York City Human Rights Law ("NYCHRL"), §8-107(i). Plaintiff Bielinski

also alleges that she was denied the promotion because of her gender, in violation of Title VII of the Civil Rights Act, 42 U.S.C., 2000e-2(a), the NYSHRL and the NYCHRL. A copy of the Complaint is annexed hereto as Ex. A. The Hotel served and filed an Answer to the Complaint on or about January 24, 2008. A copy of the Answer is annexed hereto as Ex. B.

SELECTION OF BANQUET CAPTAIN

5. The Hotel's Banquet Department caters and services banquet functions in the Hotel's Ballroom, Cotillion Room and various meeting rooms.
6. Banquet Captains, A List Banquet Servers (steady, full-time servers) and B List Banquet Servers (steady extra servers) are all members of the Union and the terms and conditions of their employment are governed by the IWA. Banquet Captains assist the Banquet Headwaiter in directing and coordinating the work of the Servers before, during and after the banquet function. Captains also serve as a liaison between the service staff and the guest, responding to complaints, special requests and other matters that may arise during the function.
7. While a Banquet Captain must have extensive experience and knowledge of banquet service, he or she must also have substantial leadership, organizational and problem-solving skills, must be articulate and poised in responding to guest requests and complaints and must understand and be proficient in Union rules and with all the protocols of banquet service, including payroll, scheduling and service standards. Banquet Captains are not selected on the basis of their seniority as Banquet Servers.
8. Although they direct the work of the Banquet Servers on the Banquet floor, Captains are not management employees and do not have the authority to hire, fire, discipline or alter any of the terms and conditions of the Banquet Servers' employment.

9. At the end of 2006, Nick Koutsakos, one of the individuals who had been working as a Banquet Captain, retired from his employment. Twelve (12) current A List Banquet Servers applied for Mr. Koutsakos' position. Copies of the applications of these twelve (2) Banquet Servers, including attachments submitted by the applicants, are annexed hereto as Ex. C. Among the applicants were plaintiffs Bielinski (hereinafter "Bielinski") and Pardo (hereinafter "Pardo") and Jay Laut.

10. Bielinski is currently 61 years old and has worked as an A List Banquet Server at the Pierre since 1985. Pardo is currently 59 years old and has worked at the Hotel since 1969, first as a Room Service Busser, then Room Service Server and, since 1986, as an A List Server. Mr. Laut is currently 45 years old and was hired by the Hotel in 1998 as a B List Server and promoted to the A List in 2005. In addition to working at the Hotel, Mr. Laut worked for five (5) years as a Banquet Server/Captain at the Regent Wall Street, five (5) years as a Banquet Server/A La Carte Server at the Rihga Royal Hotel and seven (7) years as a Captain and Assistant Manager at Au Mandarin Restaurant. See resumes attached to applications at Ex. C

11. On or about February 21, 2007, I received a letter from Bielinski in which she expressed concerns about the selection process and her belief that "an individual who is working with us for 3 years; also is a member of the Board of Director at our Union" had already been chosen for the Captain's position, "creating a conflict of interest."¹ I understood she was referring to Mr. Laut. A copy of the letter received in my office on February 21, 2007 is annexed hereto as Ex. D.

12. The Hotel developed a three stage interview procedure for the Banquet Captain positions. At the first stage of the process, Christopher Edmonds, Banquet Headwaiter (a management employee), interviewed all twelve (12) applicants. I provided Mr. Edmonds with a Functional Competencies Interview Form which involves a number of pre-established questions designed to

¹ Mr. Laut is a member of the Union's Delegate Assembly, equivalent to its Board of Directors.

elicit information about how the candidate handled specific situations in the past, since a candidate's past performance is frequently the best predictor of future performance. General, vague and unspecific answers in this interview tend to indicate that the candidate has not been thoughtful about his/her past experiences and will not apply the lessons learned in the future. Mr. Edmonds rates six (6) of the applicants, including both plaintiffs and Mr. Laut as "Satisfactory" or better.

13. Mr. Edmonds rated both plaintiffs as "Satisfactory." On Bielinski's Interview Guide, he noted that she talked about the "division of sexes" and that her answers were "not too detailed." On plaintiff Pardo's Interview Guide, he noted "Not enough. Didn't fully answer questions. No specific examples."

14. Mr. Edmonds rated Mr. Laut as "Strength." On Mr. Laut's Interview Guide, Mr. Edmonds noted "Gave detailed answers." Annexed hereto as Ex. E are copies of the completed Functional Competencies/Interview Guides for Bielinski and Pardo and for Mr. Laut. See also transcript of deposition of Mr. Edmonds, pp. 55-60, annexed hereto as Ex. F.²

15. William Spinner, Director of Catering, then interviewed each of the six (6) candidates who had passed the first stage. Mr. Spinner asked each candidate the same three sets of questions related to the candidate's work history and experience, the candidate's knowledge of the position of Banquet Captain and the candidate's suggestions for ways in which the Banquet Captain can improve service and the guests' experience.

16. At the end of his interviews, Mr. Spinner recommended only three (3) of the candidates – both of the plaintiffs and Mr. Laut – for further interview with the General Manager or Hotel Manager.

² References to transcripts of depositions will be denoted throughout as "(Name of Deponent) Tr., p.____."

17. Mr. Spinner's summary of his interview with Bielinski noted that she was very experienced and knowledgeable as a server and well spoken, but that she had had little interaction with management/Union issues, never served as a delegate and did not suggest any ways in which she would be able to improve service as a Captain.

18. Mr. Spinner's summary of his interview with Pardo indicated that he was also very experienced and knowledgeable as a server, that he was familiar with management/Union issues and had served as a delegate, but that he did not suggest any ways in which he would be able to improve service as a Captain.

19. Mr. Spinner's summary of his interview with Mr. Laut indicated that he was very experienced and knowledgeable as a server, well spoken, had thorough knowledge of management/Union issues and had served as a delegate. In addition, Mr. Spinner noted that Mr. Laut "[m]ade constructive suggestions as to new ways a Captain can contribute to the improvement of service; [d]iscussed specific ways we could schedule staff to increase service at cocktail receptions." Copies of Mr. Spinner's interview summaries for Bielinski, Pardo and Laut are annexed hereto as Ex. G. See also Spinner Tr., pp. 22 -26, 29-30, annexed hereto as Ex. H.

20. Christian Hommerich, Hotel Manager, interviewed both plaintiffs. His notes of his interview with Bielinski indicated that she answered his questions thoroughly and that she was very knowledgeable about banquet service. His notes of his interview with Pardo indicate that when Mr. Hommerich asked him why he wanted to move to a Captain's position, Pardo responded that he was getting old and that in the Captain's position he would no longer have to carry heavy weights and would be better able to take care of his family financially. Copies of Mr. Hommerich's notes of his interviews of Bielinski and Pardo are annexed hereto as Ex. I. See also Hommerich Tr., pp. 14 -20, annexed hereto as Ex. J.

21. Mr. Kuenstle interviewed Mr. Laut. His notes indicate that Mr. Laut gave specific examples of his leadership ability in a clear and concise manner and gave various suggestions on how to improve service, concluding: "Strong candidate; provided specifics; strong qualifications." A copy of Mr. Kuenstle's notes of his interview with Mr. Laut are annexed to the Kuenstle Aff. as Ex. A.

22. After all of the interviews were concluded, there were a number of discussions among Mr. Spinner, Mr. Kuenstle, Mr. Hommerich, Mr. Edmonds and myself about who was the best candidate for the Banquet Captain position. See Affidavit of Heiko Kuenstle annexed to the moving papers for details of those discussions. Ultimately, it was concluded that Mr. Laut was the most qualified applicant and his promotion was officially announced on April 17, 2007. The Banquet Captains had no role at all in the selection process.

LAUT'S ANNOUNCEMENT

23. On Saturday, March 17, 2007 – St. Patrick's Day – Mr. Laut announced to the assembled Banquet Servers that he was resigning his position as Union delegate and that he had been selected as Banquet Captain. I was not at work at the time and neither were any of the Banquet managers.

24. On Monday, March 19, 2007, several of the applicants, including both of the plaintiffs, came to my office and told me what had occurred over the weekend. I assured them that Mr. Laut had not been selected and that the interview process had not been completed and I promised that I would look into the situation and find out what happened.

25. I met with Mr. Laut on March 21, 2008, the first day he was at work after St. Patrick's Day. I told him that he had not, in fact, been selected as Captain and asked him how he came to

believe he had been. Mr. Laut said that he had been told by Mr. Edmonds that he had been selected.

26. I spoke to Mr. Edmonds as soon as he returned from a two-week leave of absence. Mr. Edmonds denied that he had told Mr. Laut that he had been selected for the Captain position. He said that he had specifically told Mr. Laut that the interview process had not been completed. However, he acknowledged telling Mr. Laut that he was impressed with his interview and that he was a strong candidate.

27. Sometime during the week of March 19, 2007, I received copies of two (2) letters plaintiff Bielinski had written to Peter Ward, President of the Union, complaining about the perceived unfairness of the selection process, claiming that the Union was not a "remote or removed bystander in the process" and complaining about comments allegedly made to her by one of the Captains regarding her chances of being selected as Banquet Captain. Copies of those letters dated March 16 and March 17, 2007, are annexed hereto as Ex. K. Plaintiff Bielinski had never mentioned these alleged comments to me or anyone else in Hotel management.

PLAINTIFF'S CLAIMS

28. Plaintiffs' principal claim in their Complaint is that they are both more qualified than Mr. Laut and should have been selected for the position instead of him (See Ex. A, ¶14).

29. Bielinski testified that she believes she is more qualified than Mr. Laut because she has worked as a Banquet Server in the Hotel for 22 years and that Mr. Laut had been an A List Banquet Server for only three (3) years. She also testified that she believes she is more qualified because of "the way I take care of guests" and because she is a woman, since "the hotel needs a woman as captain." Ex. L, Bielinski Tr., pp. 80-85. She also testified that she does not believe that experience as a delegate is relevant. Ex. L, Bielinski Tr., p. 65.

30. She conceded, however, that she does not know Mr. Laut's skills, only her own. When asked if she believed that Laut had knowledge of the Captain's position, she responded: "I didn't test him, I don't know.... I know my qualifications." Ex. L, Bielinski Tr., pp. 106-107 (emphasis added).

31. On further questioning, Bielinski acknowledged that Mr. Laut knows how to handle the Captain's job and that he is qualified for the position, but that she believes she "would do a little better in general." Ex. L, Bielinski Tr., pp. 98-99. She does not know how Mr. Laut had answered questions during his interviews for the Banquet Captain position. Ex. L, Bielinski Tr., p. 99.

32. Pardo also claimed he was more qualified than Mr. Laut because his own knowledge and his relationship with long-term guests. Ex. M, Pardo Tr., pp. 57-58. Pardo pointed out that he had served as a Union delegate and that he believes service as a delegate is a criterion for selection as Banquet Captain "[b]ecause you know how to handle problems between management and union members. Because you have experience if there is a conflict, you have to resolve it right there." Ex. M, Pardo Tr., pp. 58-59.

33. Pardo testified that he believes length of service should be the most important criterion in selecting a Banquet Captain and that based on his length of employment, he should have been selected as Banquet Captain before Bielinski. Ex. M, Pardo Tr., pp. 66 -67.

34. Pardo agreed that Mr. Laut has knowledge of banquet service and that he does not know how Mr. Laut answered questions during the interview process. Ex. M, Pardo Tr., pp. 67-68.

Gender Discrimination

35. Bielinski admits that no one in management at the Hotel ever made any negative comments about her gender. Ex. L, Bielinski Tr., pp. 53, 56-57, 60-61.

36. When asked for the basis of her belief that she was denied the promotion because of her gender, Bielinski referred to negative comments allegedly made by one of the Banquet Captains, Jack Racic (see Ex. K), who she believes does not liking to work with women. When asked for the basis of her belief, Bielinski responded: "Because it is the truth." Ex. L, Bielinski Tr., pp.40-41. However, Bielinski admitted that none of the other Captains have a problem working with women and that several of the other Captains encouraged her to apply for the position. Ex. L, Bielinski Tr., p. 45-49.

37. Bielinski also testified that she believes she was discriminated against on the basis of gender because she is a woman and Mr. Laut is not. Ex. L, Bielinski Tr., pp. 96-97. Finally, when asked whether she believed she was denied the job because of her gender, Bielinski responded: "No idea why they denied me without an explanation." Ex. L, Bielinski Tr., p. 95.

Age Discrimination

38. Both plaintiffs acknowledge that no one in Hotel management ever said anything about her or his age. Ex. L, Bielinski Tr., pp. 53, 60-61; Ex. M, Pardo Tr., pp. 43-44.

39. When asked the basis of her claim that she was denied the position because of her age, Bielinski points to comments she alleges were made by Mr. Racic (who is currently 65 years old), including an alleged statement that she is too old to be a Captain. Ex. L, Bielinski Tr. pp. 37-39. In fact, Bielinski testified that Mr. Racic was the only person who made any negative comments and his comments are the only reason she believes she was discriminated against on the basis of age. Ex. L, Bielinski Tr., p. 45-47, 97.

40. When asked if any of the Captains made any comments about his age, Pardo replied only that the Captains told him he had many more years to carry a tray. Ex. M, Pardo Tr., pp. 44-45. Pardo also admitted that he responded to Mr. Hommerich's inquiry about why he wanted the

Banquet Captain position by saying that he was getting old and that as a Banquet Captain he would not have to carry so much weight and that he would be able to better take care of his family by making more money. Ex. M, Pardo Tr., pp. 42-43. When asked if he thought that was the best answer to give in an interview, he said: "No. I was sincere...." Ex. M, Pardo Tr., p. 42.

41. When asked why he believed that his age was a factor in the decision not to select him for the Banquet Captain position, Pardo answered:

A: Well, I feel like I'm 58 – I'm going on 58. The person that they choose was 38 years old.³ So they prefer a younger person, the other waiters that have applied.

Q: But nobody said anything to you that would lead you to believe that age was a factor, did they?

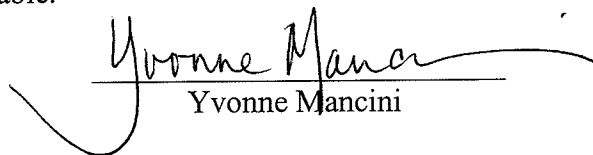
A: No. It was just my feeling, my personal feeling.

Ex. M, Pardo Tr., p. 65.

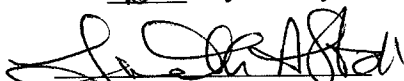
42. In her deposition, Bielinski asserted that the Banquet Captains allegedly preferred Mr. Laut because Mr. Laut is a delegate and he is on the board of the Union. Ex. L, Bielinski Tr., p. 64.

43. In his deposition, Pardo speculated that the Union itself had somehow influenced the decision to select Mr. Laut because Mr. Laut was a delegate and that every Captain that has been selected has been a delegate. Pardo acknowledged, however, that since he had been a delegate, this would have benefited him as well. Ex. M, Pardo Tr., pp. 63-64.

44. For all of the foregoing reasons, the Hotel submits that it is entitled to summary judgment dismissing plaintiffs' claims in their entirety and granting the Hotel such other and further relief as the Court may deem just, proper and equitable.


Yvonne Mancini

Sworn to before me
this 16th day of July, 2008


NOTARY PUBLIC

JUDITH A. STOLL
NOTARY PUBLIC, State of New York
No. 01ST4655884
Qualified in New York County
Commission Expires Dec. 31, 2009

³ At the time of his selection for Banquet Captain, Mr. Laut was 44 years old, not 38.

JUDGE SCHEINDLIN

UNITED STATES DISTRICT COURT

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Southern

District of

07 DEC 21 PM 5:09
New York

GRISELDA BIELINSKI and MARIO PARDO

U.S. DISTRICT COURT
S.D.N.Y.

SUMMONS IN A CIVIL ACTION

HOTEL PIERRE

CASE NUMBER:

07 CV 11636

TO: (Name and address of Defendant)

Hotel Pierre
601 5 East 61st Street
NY, NY.

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Arthur Z. Schwartz
Schwartz, Lichten & Bright, P.C.
275 Seventh Avenue, 17th Floor
New York, New York 10001

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

DEC 28 2007

J. MICHAEL McMAHON

CLERK

DATE

(By)  Clerk

07 CV 11636

JUDGE SCHERER
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT
S.D.N.Y.

BRISELDA BIELINSKI and MARIO PARDO,

Plaintiffs,

- against -

HOTEL PIERRE,

Defendant.

COMPLAINT AND
DEMAND FOR
JURY TRIAL

Plaintiffs, by their undersigned attorneys, as and for his complaint, alleges as follows:

INTRODUCTION

1. This is an action brought by two employees of defendant Hotel Pierre alleging employment discrimination in violation of the Age Discrimination in Employment Act and, in the case of one plaintiff, in violation of Title VII of the Civil Rights Act of 1964, as amended. Plaintiffs allege that they were denied a promotion to the position of Banquet Captain in favor of a much younger, much less experienced male employee.

JURISDICTION

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(4), 29 U.S.C. §§ 216(b) and 626(c)(1), and 42 U.S.C. § 200e-5(f)(1). Plaintiffs filed a complaint with the United States Equal Employment Opportunity Commission on or about May 10, 2007, and subsequently received a Notice of Right to Sue. This Court's pendent jurisdiction is also involved.

PARTIES

3. Plaintiffs are employees of the Hotel Pierre. Pardo has been employed by the Pierre since 1970, and Bielinski since 1985. At all times since 1985, plaintiffs have worked as banquet waiters. Pardo was born in 1951, is male, and resides at 47-08 21st Avenue, in Astoria, Queens; Bielinski was born on February 21, 1947, is female, and resides at 60 West 57th Street, New York, New York.

4. Defendant Hotel Pierre is a hotel and an employer, as that term is defined at 29 U.S.C. § 630(b), and at 42 U.S.C. § 2000e-(b). It is located at 60 West 57th Street, New York, New York 10003.

FACTS RELEVANT TO ALL CLAIMS

5. The position of Banquet Captain is the only promotional position available to waiters at the Pierre. The Pierre has 28 full-time waiters (also known as "A List Waiters") and 14 are part time (also known as "B List"). There are five full-time Banquet Captains and one part-time Banquet Captain.

6. The last time there was an opening for the position of Banquet Captain was in 1993. The one before that occurred in 1989.

7. The four full-time Banquet Captains working prior to the posting of an opening on February 13, 2007 were all male, and they are all over 60 years of age. The part-time Banquet Captain is also more than 60 years of age.

8. On February 13, 2007, the Pierre posted notice of an opening for a Banquet Captain position. Approximately 12 waiters applied, including plaintiffs. Initially, only a small

number were interviewed (including plaintiffs), but after a complaint was made to their union, Local 6, Hotel and Restaurant Employees Union, all applicants were interviewed.

9. On March 17, 2007, Jay Laut, a 39-year-old waiter who had been an A-list waiter for only 2½ years and a B-list waiter for 5 years, announced that he had gotten the position.

10. On March 19, 2007, Terry Rungoo (another waiter with a lot of seniority) and plaintiffs Fardo and Bielinski went to see Yvonne Manzini, the Hotel's Human Resources Manager, to complain about the discriminatory treatment of those with seniority. Manzini denied knowing anything about a decision being made in favor of Laut. On March 21, 2007, Laut returned to being a waiter.

11. Over the next few weeks, plaintiffs were again interviewed, this time by the Catering Manager, and then by the Hotel's Manager.

12. While these interviews were underway, Laut was out on a three-week leave of absence.

13. On April 16, 2007, Yvonne Manzini, the Human Resources Manager, posted a notice, on behalf of management, announcing that Jay Laut had gotten the promotion.

14. Plaintiffs were far more qualified for the position than Laut. Plaintiffs did not get the promotion because of their age, and in Bielinski's case, because of her sex.

15. Plaintiffs incorporate by reference each and every allegation set forth in paragraphs 1-14 above into the causes of action set forth below.

AS AND FOR A
FIRST CAUSE OF ACTION

16. By engaging in the aforescribed actions, the Hotel Pierre has discriminated against plaintiffs because of their age, in violation of 29 U.S.C. § 623.

AS AND FOR A
SECOND CAUSE OF ACTION

17. By the actions aforescribed, defendant violated plaintiff Bielinski's rights under 42 U.S.C. 2000e-2(a) to be free from sex discrimination.

AS AND FOR A
THIRD CAUSE OF ACTION

18. By its aforescribed actions, defendant violated plaintiffs' rights under NYSHRL §296(1) *et seq.*

AS AND FOR A
FOURTH CAUSE OF ACTION

19. By its aforescribed actions, defendant violated plaintiff's rights under NYCHRL §8-107(1) *et seq.*

DAMAGES

20. By its aforescribed actions, defendant has caused plaintiffs to lose pay and benefits and has caused them severe emotional distress to their damage in a sum in excess of \$500,000.

21. Defendant's aforescribed actions were taken in willful and/or reckless disregard of plaintiff's rights.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray that this Court will enter Judgment:

1. Directing defendant to place plaintiffs into the position of Banquet Captain.
2. Awarding plaintiff:
 - a. lost wages and benefits;
 - b. emotional distress damages in the sum of \$500,000;
 - c. punitive damages in the sum of \$500,000; and
 - d. attorneys' fees and litigation expenses.

JURY DEMAND

Plaintiff demands a jury trial.

Dated: December 21, 2007

SCHWARTZ, LICHTEN & BRIGHT, P.C.
Attorneys for Plaintiff

By: 

Arthur Z. Schwartz
275 Seventh Avenue, Room 1760
New York, New York 10001
(212) 228-6320

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GRISELDA BIELINSKI and MARIO PARDO,

Plaintiffs,

07 Civ. 11636 (SS)

-against-

ANSWER

HOTEL PIERRE,

Defendants.

Defendant IHMS, LLC d/b/a The Pierre (the "Hotel"), incorrectly named herein as Hotel Pierre, by its attorneys, Kane Kessler, P.C., answers the Complaint as follows:

INTRODUCTION

1. Denies the allegations of paragraph 1 of the Complaint to the extent it alleges that the Hotel violated the Age Discrimination in Employment Act and/or Title VII of the Civil Rights Act of 1964, as amended.

JURISDICTION

2. Admits the allegations of paragraph 2 that plaintiffs filed a complaint with the United States Equal Employment Opportunity Commission on or about May 10, 2007 and subsequently received a Notice of Right to Sue dated September 18, 2007.

PARTIES

3. Admits the allegations of paragraph 3 of the Complaint.
4. Denies the allegation of paragraph 4 of the Complaint that the Hotel is located at 60 West 57th Street, New York, N.Y. 10003.

FACTS RELEVANT TO ALL CLAIMS

5. Admits the allegations of paragraph 5 of the Complaint.
6. Admits the allegations of paragraph 6 of the Complaint.
7. Admits the allegations of paragraph 7 of the Complaint.
8. Denies the allegations of paragraph 8 of the Complaint, except admits that the Hotel posted an opening for a Banquet Captain position on or about February 13, 2007, that approximately 12 waiters applied and all the applicants were interviewed.
9. Admits the allegations of paragraph 9 of the Complaint.
10. Admits the allegations of paragraph 10 of the Complaint, except affirmatively notes that the name of the Hotel's Director of Human Resources is Yvonne Mancini.
11. Admits the allegations of paragraph 11 of the Complaint.
12. Admits the allegations of paragraph 12 of the Complaint.
13. Admits the allegations of paragraph 13 of the Complaint, except affirmatively notes that the name of the Hotel's Director of Human Resources is Yvonne Mancini.
14. Denies the allegations of paragraph 14 of the Complaint.
15. Defendant repeats and reiterates the answers set forth in paragraphs 1 -14 above into the answers set forth below.

AS AND FOR A FIRST CAUSE OF ACTION

16. Denies the allegations of paragraph 16 of the Complaint.

AS AND FOR A SECOND CAUSE OF ACTION

17. Denies the allegations of paragraph 17 of the Complaint.

AS AND FOR A THIRD CAUSE OF ACTION

18. Denies the allegations of paragraph 18 of the Complaint.

AS AND FOR A FOURTH CAUSE OF ACTION

19. Denies the allegations of paragraph 19 of the Complaint..

DAMAGES

20. Denies the allegations of paragraph 20 of the Complaint.

21. Denies the allegations of paragraph 21 of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

22. The Complaint fails to state a claim pursuant to the Age Discrimination in Employment Act, as amended.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

23. The Complaint fails to state a claim pursuant to the Civil Rights Act of 1964, as amended.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

24. The Complaint fails to state a claim pursuant to the Age Discrimination in Employment Act, as amended.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

25. The Complaint fails to state a claim pursuant to the New York State Human Rights Law.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

26. The Complaint fails to state a claim pursuant to the New York City Human Rights Law.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

27. Plaintiffs were not selected for the position of Banquet Captain for legitimate, nondiscriminatory business reasons.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

28. The Hotel made the selection for the Banquet Captain position using objective criteria unrelated to age and/or gender.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

29. All applicants for the position of Banquet Captain were evaluated on their responses to identical questions during a series of three (3) interviews with three (3) different Hotel managers.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

30. The Hotel selected the most qualified applicant for the position of Banquet Captain.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

31. Plaintiffs have failed to exhaust their remedies pursuant to a collective bargaining agreement between the New York Hotel Trades Council, AFL-CIO and the Hotel Association of New York City, Inc.

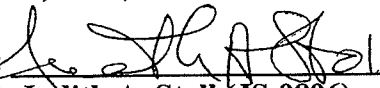
AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

32. The Complaint is barred in whole or in part by the doctrine of laches.

WHEREFORE, the Hotel submits that the Complaint should be dismissed in its entirety and the Hotel should be granted such other, further and different relief as to the Court may seem just and proper.

**Dated: New York, N.Y.
January 24, 2008**

**KANE KESSLER, P.C.
Attorneys for Defendant
IHMS, LLC, d/b/a The Pierre**

By: 
Judith A. Stoll (JS-9896)

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**TO: SCHWARTZ, LICHTEN & BRIGHT
Attn: Arthur Z. Schwartz, Esq.
Attorneys for Plaintiffs
275 Seventh Avenue
New York, N.Y. 10001
Tel: (212)228-6320
Fax: (212) 358-1353**

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, Cara M. Brownell, being duly sworn, say:

I am not a party to the within action, am over 18 years of age, and reside in Brooklyn, New York.

On January 24, 2008, I served the within:

ANSWER

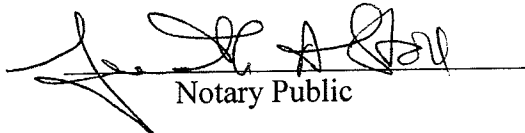
by delivering a true copy thereof, enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following:

TO: SCHWARTZ, LICHTEN & BRIGHT
Attn: Arthur Z. Schwartz, Esq.
275 Seventh Avenue
New York, N.Y. 10001



CARA M. BROWNELL

Sworn to before me this
24th day of January, 2008



Notary Public

JUDITH A. STOLL
NOTARY PUBLIC, State of New York
No. 01ST4955884
Qualified in New York County
Commission Expires Dec. 31, ~~2008~~
2009

Internal Transfer Request

I. To be completed by EMPLOYEE

Name: GRISelda BIELINSKI
 Today's Date: 2/21/07
 Hotel Hire Date: 9/11/85 (must be employed in hotel minimum of 1 year)
 Amount of time in Current Position: 21 YEARS (must be in current position minimum of 6 months)
 Current Department & Position: BANQUET DPT. - BANQUET WAITRESS
 Department & Position Applied for: BANQUET - BANQUET CAPTAIN
 What qualifies you for this position? (please provide specific information) EVER SINCE I BEGAN WORKING AS A WAITRESS IN BANQUET 21 YEARS AGO, I HAVE BEEN CAREFULLY TRAINING MYSELF TO BECOME A BANQUET CAPTAIN, I DID IT BY WORKING SIDE BY SIDE WITH THE CAPTAINS HELPING THEM AT EVERY POSSIBLE OPPORTUNITY IN THE PERFORMANCE OF THEIR WORK OR DUTIES.
 EMPLOYEE SIGNATURE: Griselda Bielinski DATE: 2/21/07

II. To be completed by CURRENT DEPARTMENT HEAD

Has the employee been employed at The Pierre for at least one (1) year? Yes ☒ No ☐
 Has the employee been in his/her position for a minimum of six (6) months? Yes ☒ No ☐
 Has the employee received a disciplinary action in the last three (3) months? Yes ☐ No ☒
 Do you consider the employee eligible for a transfer based on their current performance? Yes ☒ No ☐
 (If employee has received disciplinary action in the last 3 months, they are not eligible for transfer at this time)
 Recommended for an interview: Yes ☒ No ☐
 Comments: (please provide specific information) _____

CURRENT DEPT. HEAD APPROVAL: Yes ☒ No ☐ SIGNATURE: A. Edmund DATE: 2/21/07
 CURRENT DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

III. To be completed by HUMAN RESOURCES

Comments: 21 years 3 months no disciplinary / discipl 6/06
 FEB 21 2007
 HR APPROVAL: Yes ☐ No ☐ SIGNATURE: A. Edmund DATE: 2/23/07

IV. Human Resources Department RECEIVING DEPARTMENT HEAD

Comments: (please provide specific information) _____
 RECEIVING DEPT. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

V. Final Approvals

RECEIVING DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____
 HOTEL MANAGER/GM APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____
 Offered Position: Yes ☐ No ☐
 (If YES) Date Offered: _____ By Whom: _____ Start Date: _____
 (If NO) Decision explained to candidate: Date: _____ By Whom: _____
 What planned goals were discussed with employee? _____

Pierre Hotel
Human Resources Department
Attn: Ms. Mancini
Director of the Human Resources Dept.
New York, NY 10021

2/13/07

Dear Ms. Mancini,

For the last 21 years, I have been and presently still am working as a waitress in the Banquet Department at the Pierre Hotel.

In the past three instances or occasions when openings were made available for the position of Captain in my Banquet Department, I have addressed myself to your department in writing, asking to please be taken into consideration for this position, which in fact is a promotion.

Unfortunately for me, I was not promoted in any of the three times that I had petitioned for this superior position.

I have never received an explanation for not having been chosen, nor for the criteria used in this matter in which I resulted unsuccessful.

I ask of you to please excuse me, but I am not being immodest when I say that my qualifications for the position of captain are excellent. To substantiate this, I am herewith enclosing a photocopy of a letter addressed to me from Mr. Didier Le Calvez, former General Manager of the Pierre Hotel.

Also, in reference to my person, from "The Pierre Employee Development Review," the following:

- "Has dependable attendance."
- "Organizes own work efficiently."
- "Works with minimal supervision."
- "Follows up on details."
- "Does things right the first time."

This paper has been issued by the Reviewing Manager and the Division Head.

As you very well know, my work performance throughout these last twenty-one years has been outstanding. I put my heart in the performance of my duties. I do my work with the love and dedication that a responsible proprietor should have for his business. I can also communicate with people in Italian and French, which is a plus.

I am looking forward to continue working at the Pierre Hotel with the same diligence, dedication, and enthusiasm that I have done and shown for these last twenty-one years.

Two new openings for the position of Captain are going to be filled at any moment, due to recent vacancies. I am hereby applying to you for one of these positions.

I beg of you to please have the kindness of making your decision taking into account the contents of this letter, it's enclosures, plus the numerous letters of gratitude you have received from clients of the Pierre, where they thank you for the outstanding service or work performed by me.

Should you decide in my favor, that will result in you appointing for the first time a woman for the position of Banquet Captain in the long and glorious existence of the Pierre.

Respectfully yours,



Griselda Bielinski

Encl: DLC

Griselda Bielinski
60 West 57th Street
New York, NY 10019



FIFTH AVENUE AT 61ST STREET NEW YORK 10021-8402
212-838-8000 TELEX 127426 FAX: 212-826-0319

DIDIER LE CALVEZ
General Manager

July 18, 1996

Ms. Griselda Bielinski
Banquet Headwaiter's Office

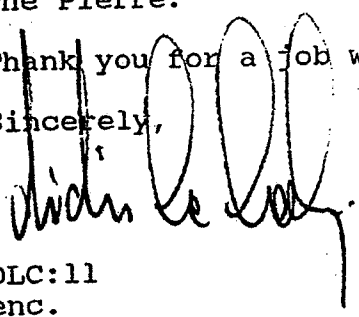
Dear Griselda:

Please find enclosed a very nice letter which I received from Ms. Annette Reifer at Donaldson, Lufkin & Jenrette.

As you can see, Ms. Reifer was very pleased with the fine service and attention which was extended to her group and mentions you in particular as being most impressed with. I would like to personally thank you for maintaining the high levels of service and professionalism that we at The Pierre constantly strive to achieve...as a result, leaving Ms. Reifer and her colleagues at Donaldson, Lufkin & Jenrette with a very favorable impression of The Pierre.

Thank you for a job well done. Keep up the good work!!!

Sincerely,


DLC:ll
enc.

cc: Herb Rose, Director of Catering
Tony Ruscitto, Asst. Director of Human Resources

D0145

Internal Transfer Request

I. To be completed by EMPLOYEE

Name: MARIO PARDO
 Today's Date: 2-16-'07
 Hotel Hire Date: 4-11-69 (must be employed in hotel minimum of 1 year)
 Amount of time in Current Position: 20 YEARS (must be in current position minimum of 6 months)
 Current Department & Position: "A" LIST BANQUET SERVER
 Department & Position Applied for: BANQUET CAPTAIN
 What qualifies you for this position? (please provide specific information) EXPERIENCE, LEADERSHIP, UNION KNOWLEDGE. (RESUME ATTACHED)

EMPLOYEE SIGNATURE: Mario Pardo DATE: 2-16-07

II. To be completed by CURRENT DEPARTMENT HEAD

Has the employee been employed at The Pierre for at least one (1) year? Yes ☒ No ☐
 Has the employee been in his/her position for a minimum of six (6) months? Yes ☒ No ☐
 Has the employee received a disciplinary action in the last three (3) months? Yes ☐ No ☒
 Do you consider the employee eligible for a transfer based on their current performance? Yes ☒ No ☐
 (if employee has received disciplinary action in the last 3 months, they are not eligible for transfer at this time)
 Recommended for an interview: Yes ☒ No ☐
 Comments: (please provide specific information)

CURRENT DEPT. HEAD APPROVAL: Yes ☒ No ☐ SIGNATURE: C. Edwards DATE: 2/26/07
 CURRENT DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

III. To be completed by HUMAN RESOURCES

Comments: 37 years 10 months, disc on 2/05, nominated in Sept 06 to EOM
FEB 21 2007

HR APPROVAL: Yes ☒ No ☐ SIGNATURE: Mohamed DATE: 2/22/07

IV. To be completed by RECEIVING DEPARTMENT HEAD

Comments: (please provide specific information)

RECEIVING DEPT. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

V. Final Approvals

RECEIVING DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

HOTEL MANAGER/GM APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

Offered Position: Yes ☐ No ☐

(If YES) Date Offered: _____ By Whom: _____ Start Date: _____

(If NO) Decision explained to candidate: Date: _____ By Whom: _____

What planned goals were discussed with employee? _____

MARIO PARDO

47-08 21st AVENUE • ASTORIA, NEW YORK 11105
PHONE (917) 749-4754 • E-MAIL maal2628@aol.com

PERSONAL PROFILE:

I have thirty-seven years of experience encompassing banquet serving, banquet staff booking, payroll, diagrams, and room service. I am a very conscientious and dedicated worker who is detail oriented and professional among clients and salespeople.

RELATED EXPERIENCE

THE PIERRE HOTEL

A-list Banquet Server

- ◆ Presented and executed the serving of banquets and hospitalities
- ◆ Assistant booking secretary
- ◆ Assistant union delegate
- ◆ Oversee payroll miscalculations
- ◆ Integral capacity of banquet waiter schedule

New York, NY
1986-Present

Room Service Waiter

- ◆ Catered to high level cliental
- ◆ Assisted in order taking process

New York, NY
1974-1986

Room Service Bus-Boy

- ◆ Assisted waiters setting up tables
- ◆ Replenish condiments
- ◆ Finalized presentation of clientele order

New York, NY
1969-1974

EDUCATION

Brandies High School

New York, NY
1966-1969

Hotels and Restaurants Trade School

New York, NY
1978-1983

ACCOMPLISHMENTS

- ◆ Banquet Server Certified
- ◆ Dining Room Service Procedure Certified
- ◆ Nomination for employee of the month (summer 2006)

LANGUAGES

- ◆ Fluent in Spanish
- ◆ Conversational in Portuguese

Internal Transfer Request

I. To be completed by EMPLOYEE

Name: JAY AMAN LAUT
 Today's Date: FEB 13, 2007
 Hotel Hire Date: SEPT 11, 1998 (must be employed in hotel minimum of 1 year)
 Amount of time in Current Position: SINCE 1998 (must be in current position minimum of 6 months)
 Current Department & Position: BANQUET WAITER
 Department & Position Applied for: BANQUET CAPTAIN
 What qualifies you for this position? (please provide specific information) Have excellent F & B knowledge & Fine dining experience. Have demonstrated good leadership, great communication skills. Possess excellent interpersonal and organization skills. Proficient with Union Guidelines & work great under pressure
 EMPLOYEE SIGNATURE: [Signature] DATE: 2/13/2007

II. To be completed by CURRENT DEPARTMENT HEAD

Has the employee been employed at The Pierre for at least one (1) year? Yes ☒ No ☐
 Has the employee been in his/her position for a minimum of six (6) months? Yes ☒ No ☐
 Has the employee received a disciplinary action in the last three (3) months? Yes ☐ No ☒
 Do you consider the employee eligible for a transfer based on their current performance? Yes ☒ No ☐
 (If employee has received disciplinary action in the last 3 months, they are not eligible for transfer at this time)
 Recommended for an interview: Yes ☒ No ☐
 Comments: (please provide specific information) - VERY THOROUGH, INCISIVE & KNOWLEDGEABLE

CURRENT DEPT. HEAD APPROVAL: Yes ☒ No ☐ SIGNATURE: [Signature] DATE: 2/13/07
 CURRENT DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

III. To be completed by HUMAN RESOURCES

Comments: Meets requirements 8 years 5 months
called Jay on 2/26 AM
 HR APPROVAL: Yes ☒ No ☐ SIGNATURE: [Signature] DATE: 2/15/07

IV. To be completed by RECEIVING DEPARTMENT HEAD

Comments: (please provide specific information) _____
 RECEIVING DEPT. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

V. Final Approvals

RECEIVING DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____
 HOTEL MANAGER/GM APPROVAL: Yes ☐ No ☐ SIGNATURE: [Signature] DATE: 5/3/7

Offered Position: Yes ☐ No ☐
 (If YES) Date Offered: 4/15/07 By Whom: YMC Start Date: 4/16/07

(If NO) Decision explained to candidate: _____ Date: _____ By Whom: _____

What planned goals were discussed with employee? _____

Jay Aman Laut
60-10, 83rd Street
Middle Village, NY 11379
718-505-2020
j.tjia@verizon.net

Summary: To Contribute through my education and experience related to food service of fine dining restaurant and luxury hotel by offering my motivational and communication skills along with my energy, enthusiasm, and reputation as a dependable and knowledgeable professional.

Experience: THE PIERRE HOTEL New York, NY
Banquet Waiter Sept 1998 to Present

REGENT WALL STREET HOTEL New York, NY
Banquet Server/Captain Dec 1999 to Jan 2004
* in charge of servicing banquets which included setting up and preparing for large groups and ensuring fast, efficient service.
* involved in daily basis in training, cost control, floor management and scheduling.
* Coordinate activities between servers and rest of staff.
* Demonstrate clear and professional manner with staff, management, and guests.
* Arrange for and supervise staff, crews, volunteers to ensure work as scheduled.

RIHGA ROYAL HOTEL New York, NY
Dining Room & Banquet Server Jan 1992 to Dec 1999
* Ensure guests receive friendly courteous service during their stay.
* Fully knowledgeable with menu and service techniques.
* Communicate to fellow staff needs of guest and assist the team.
* Build loyal customer base anticipating customer needs and creating rapport with wide range of personalities.

Au Mandarin Restaurant *200 Vesey* New York, NY
Captain/Assistant Manager Jun 1985 to Jan 1992
* in charge of creating and updating food and wine menu.
* Arranged, planning and supervised catering functions.
* Successfully organized all aspects of sales drive.
* Supervised wait and bus staff, bartend and expedite as needed.

Education: American Sommelier Association New York, NY
Wine Captain Course December 1991

New York University New York, NY
Computer Science/Business June 1984

References: References excellent and available upon request.



Frank Arthur Banks, C.H.A.
General Manager

August 26, 1998

To Whom It May Concern:

This will certify that Jay Laut, social security #070-68-2721, has been employed at the RIHGA Royal Hotel as food and beverage server since May 6th, 1992 to present.

Jay is well versed in all aspects of fine dining and wine service. He has always conducted himself in a most professional manner, has an excellent attendance record, and is fluent in four languages.

In addition to Jay's regular responsibilities in our Halcyon restaurant, he also works in our Catering department as a banquet server when needed.

It is our understanding that Jay is exploring new opportunities with which we wish him well and have no reservations in recommending him to a prospective employer.

Sincerely,

RIHGA ROYAL HOTEL
151 WEST 54TH STREET, NEW YORK, NEW YORK 10019
(212) 307-5000 TELEFAX (212) 765-6581 (800) 937-5454 TELEX (212) 245-0170

D0174



RIHGA ROYAL HOTEL
NEW YORK

September 29, 1997

TO WHOM IT MAY CONCERN,

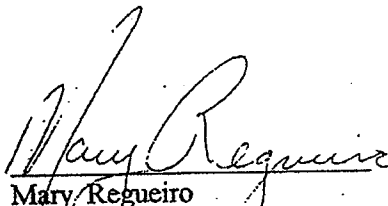
Throughout Jay Aman Laut five years of employ at Rihga Royal Hotel he had demonstrated only the finest qualities. In many years in this industry I have never experienced such professionalism and dedication. Jay is incredibly patient and accommodating, two essential qualities that are often taken for granted yet so scarce in this business today.

Jay exudes leadership qualities beyond adequacy and also remarkably accomplishes just that without engendering employee resentment. He is always looked up to and very well respected by his staff as well as his peers and superiors. Despite his endless knowledge and expertise in his profession he never dictates or appears condescending to his subordinates. Being a self motivator he helps those around him rise to any challenge.

Jay has an insurmountable passing for food and wine. He has a incredible ability to translate the intricacies of wines and fine dining without seeming patronizing. Very often customers come away with a new appreciation for the two. Many diners claim that it was he who made their visit so pleasant that they had to return.

Jay is always a gracious host while being a dedicated leader. In dealing with customers he uses his innate abilities to comfort them in an attempt to create a dining experience that is catered to the individual. I simply cannot say enough positive things about an employee who shared with me so much about the restaurant business and made the time we worked together enriching as well as pleasant.

Jay would make an excellent addition to any establishment that requires leadership, direction and that little something extra.


Mary Regueiro
(Restaurant Manager)



RIHGA ROYAL HOTEL
NEW YORK

SEPTEMBER 29, 1997

To whom it may concern:

Re: Jay Aman Laut

This letter is to certify that Jay Aman Laut, ss # 076-68-2721, had been employed by Rihga Royal Hotel since May 4, 1992.

Jay served in the capacities of Banquet ' B ' List waiter and dining room food server in two of our operations - Rihga Royal Hotel banquet department and Halcyon Restaurant.

He is, indeed, an extremely capable employee - enthusiastic, energetic, professional, responsible, and above all honest. It goes without saying that he would be an asset to any quality house. We enjoyed having Jay in our employ and recommend him to others.

Please feel free to contact me if any additional information is needed.

Bryan Kalman
(Director of Catering)



RIHGA ROYAL HOTEL
NEW YORK

SEPTEMBER 30, 1997

TO WHOM IT MAY CONCERN:

IT IS WITH GREAT PLEASURE THAT WE RECOMMEND JAY LAUT (SOCIAL SECURITY # 076-68-2721) TO ANY FOOD-LIQUOR OPERATION. HE IS EXTREMELY CONSCIENTIOUS, RESPONSIBLE, PLEASANT AND PUNCTUAL. HIS APPEARANCE AND DEMEANOR ARE IMPECCABLE. JAY IS KNOWLEDGEABLE AND ARTICULATE ABOUT HAUTE CUISINE AND WINE (EUROPEAN AND CALIFORNIAN) AND WELL INFORMED ABOUT THE BAR (COCKTAILS, LIQUEURS, COGNACS, ETC.). WE HAVE ALWAYS FOUND HIM TO BE DIPLOMATIC AND GRACIOUS TO GUESTS AND STAFF ALIKE. MOST VALUABLE OF ALL, HE IS GENEROUS WITH HIS KNOWLEDGE AND AN EXCELLENT TRAINER OF NEW EMPLOYEES.

RIHGA ROYAL HAS A VERY SUCCESSFUL BANQUET DEPARTMENT AND JAY HAS BEEN A HEAD WAITER AMONG OUR BANQUET ' B ' LIST STAFF. WE PRIDE OURSELVES ON THE QUALITY OF OUR FOOD AND SERVICE, AND JAY WAS A MOST DEFINITE ASSET, WHO MADE A SERIOUS CONTRIBUTION TO OUR SUCCESS. OUR LOSS IS YOUR GAIN.

PLEASE FEEL FREE TO CALL FOR VERIFICATION.

YOURS SINCERELY,

RICHARD RAMANO
(BANQUET MANAGER)

Harlow
✱

October 1, 1997

To whom it may concern,

Please allow this letter to serve as a recommendation on behalf of Jay Laut. Jay has been employed at the restaurant since May 1992.

As maitre d' of the restaurant, I relied heavily on Jay to keep the entire wait staff in line as his skills are excellent in all the necessary areas. He is also extremely well versed with regard to wines both imported and domestic.

Jay will be an asset to any establishment he chooses to work with.

Yours sincerely,

Sanda Josipovic
Sanda Josipovic
(Restaurant Maitre D)

September 30, 1997

TO WHOM IT MAY CONCERN :

Re: Jay Aman Laut — ss # 076-68-2721

This letter is to acknowledge that Jay Laut is an employee of Rihga Royal Hotel and it is a great pleasure that I recommend Jay to any food-liquor operation. He is a pleasure to work with and a constant source of fresh ideas. He is a resourceful self-starter, adept at long term and immediate problem solving. His ability to take on challenge in an expedient and efficient manner is unmatched by any person I ever worked with. In addition, Jay Laut is conscientious and very responsible person. I just cannot stress enough his pleasant manner and often captivating personality. ---I HIGHLY RECOMMEND HIM TO ANY ESTABLISHMENT---

Please feel free to call for verification.


John Santiago
(Executive sous-chef)



RIHGA ROYAL HOTEL
NEW YORK

Frank Arthur Banks, C.H.A.
General Manager

January 5, 1998

Mr. Jay Laut
Halcyon

Dear Jay,

Congratulations on having achieved Perfect Attendance during 1997.

It is because of individuals, such as you, that the RIHGA Royal Hotel has been able to accomplished great guest satisfaction.

To acknowledge your achievement, please present this letter to your Department Head for an additional Day Off (with pay - subject to business needs) during 1998 as a Thank You from the Executive Committee.

Keep up the good work!

Sincerely,



RIHGA ROYAL HOTEL
NEW YORK

August 31, 1998

To Whom It May Concern,

This is to verify that Mr. Aman Jay Laut, Social Security number 076-68-2721, has been employed by the RIHGA Royal Hotel as a "B" List Banquet Server since May 6, 1992 to the present.

The RIHGA Royal is a 500 suite hotel with very high standards, and as a member of our staff, Jay has proven himself to be valued employee who is both dependable and reliable.

If there is a need for any other information, please feel free to call my office at (212) 956-7584.

Thank you.

Sincerely,

Lisa Lichtenstein
Asst. Director of Personnel

LL:cw



Internal Transfer Request

I. To be completed by EMPLOYEEName: ANTONIO IOAN COBITAToday's Date: 03-23-2007Hotel Hire Date: 02-05-2001

(must be employed in hotel minimum of 1 year)

Amount of time in Current Position: 18 months

(must be in current position minimum of 6 months)

Current Department & Position: Banquets WaiterDepartment & Position Applied for: Banquets CaptainWhat qualifies you for this position? (please provide specific information) Strong determination to excel, high work ethic standards, previous experience as captain, love and ability of working with people.EMPLOYEE SIGNATURE: Antonio Carr

DATE: _____

II. To be completed by CURRENT DEPARTMENT HEAD

Has the employee been employed at The Pierre for at least one (1) year?

Yes ☒ No ☐

Has the employee been in his/her position for a minimum of six (6) months?

Yes ☒ No ☐

Has the employee received a disciplinary action in the last three (3) months?

Yes ☐ No ☒

Do you consider the employee eligible for a transfer based on their current performance?

Yes ☒ No ☐

(if employee has received disciplinary action in the last 3 months, they are not eligible for transfer at this time)

Recommended for an interview:

Yes ☒ No ☐

Comments: (please provide specific information) _____

CURRENT DEPT. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: [Signature]DATE: 3/23/07CURRENT DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: [Signature]DATE: 4/3/07**III. To be completed by HUMAN RESOURCES**

Comments: _____

HR APPROVAL: Yes ☒ No ☐SIGNATURE: [Signature]DATE: 3/23/07**IV. To be completed by RECEIVING DEPARTMENT HEAD**

Comments: (please provide specific information) _____

RECEIVING DEPT. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____

DATE: _____

V. Final ApprovalsRECEIVING DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____HOTEL MANAGER/GM APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____Offered Position: Yes ☐ No ☐

(If YES) Date Offered: _____ By Whom: _____ Start Date: _____

(If NO) Decision explained to candidate: Date: _____ By Whom: _____

What planned goals were discussed with employee? _____

Internal Transfer Request

I. To be completed by EMPLOYEE

Name: JOSE, M. HERNANDEZ
 Today's Date: 2/27/07
 Hotel Hire Date: 3/3/1990 (must be employed in hotel minimum of 1 year)
 Amount of time in Current Position: 16 YEARS (must be in current position minimum of 6 months)
 Current Department & Position: BANK WAITER
 Department & Position Applied for: Captain BANK DEPARTMENT
 What qualifies you for this position? (please provide specific information) HIGH PRIORITY TAKE CARE OF GUESTS WITH COMPLEX AND SERVICE, I COMMUNICATE WELL WITH MANAGEMENT, I AM A TEAMS PLAYER.
 EMPLOYEE SIGNATURE: JOSE M. Hernandez DATE: 2/27/07

II. To be completed by CURRENT DEPARTMENT HEAD

Has the employee been employed at The Pierre for at least one (1) year? Yes ☒ No ☐
 Has the employee been in his/her position for a minimum of six (6) months? Yes ☒ No ☐
 Has the employee received a disciplinary action in the last three (3) months? Yes ☐ No ☒
 Do you consider the employee eligible for a transfer based on their current performance? Yes ☒ No ☐
 (if employee has received disciplinary action in the last 3 months, they are not eligible for transfer at this time)
 Recommended for an interview: Yes ☐ No ☐
 Comments: (please provide specific information) _____

CURRENT DEPT. HEAD APPROVAL: Yes ☒ No ☐ SIGNATURE: C. Edwards DATE: 2/27/07
 CURRENT DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

III. To be completed by HUMAN RESOURCES

Comments: 17 years
 HR APPROVAL: Yes ☒ No ☐ SIGNATURE: Attached DATE: 3/5/07

IV. To be completed by RECEIVING DEPARTMENT HEAD

Comments: (please provide specific information) _____
 RECEIVING DEPT. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

V. Final Approvals

RECEIVING DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____
 HOTEL MANAGER/GM APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____
 Offered Position: Yes ☐ No ☐
 (If YES) Date Offered: _____ By Whom: _____ Start Date: _____
 (If NO) Decision explained to candidate: Date: _____ By Whom: _____
 What planned goals were discussed with employee? _____

Internal Transfer Request

I. To be completed by EMPLOYEE

Name: JOSEPH MARIO FERNANDEZ
 Today's Date: 2-16-07
 Hotel Hire Date: 9-1992 (must be employed in hotel minimum of 1 year)
 Amount of time in Current Position: 15 YEARS (must be in current position minimum of 6 months)
 Current Department & Position: BANQUET WAITER
 Department & Position Applied for: BANQUET - CAPTAIN POSITION
 What qualifies you for this position? (please provide specific information) RESPONSIBILITIES TO CUSTOMERS
GOOD SERVICE SKILLS, ABILITIES, ATTITUDE, ETC.
 EMPLOYEE SIGNATURE: [Signature] DATE: 2-16-07

II. To be completed by CURRENT DEPARTMENT HEAD

Has the employee been employed at The Pierre for at least one (1) year? Yes ☒ No ☐
 Has the employee been in his/her position for a minimum of six (6) months? Yes ☒ No ☐
 Has the employee received a disciplinary action in the last three (3) months? Yes ☐ No ☒
 Do you consider the employee eligible for a transfer based on their current performance? Yes ☒ No ☐
 (if employee has received disciplinary action in the last 3 months, they are not eligible for transfer at this time)
 Recommended for an interview: Yes ☒ No ☐
 Comments: (please provide specific information) _____

CURRENT DEPT. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: C. Edwards DATE: 2/20/07
 CURRENT DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

III. To be completed by HUMAN RESOURCES

Comments: 14 years 5 months
 FEB 21 2007
 HR APPROVAL: Yes ☒ No ☐ SIGNATURE: [Signature] DATE: 2/23/07

IV. To be completed by RECEIVING DEPARTMENT HEAD

Comments: (please provide specific information) _____

RECEIVING DEPT. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

V. Final Approvals

RECEIVING DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

HOTEL MANAGER/GM APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

Offered Position: Yes ☐ No ☐

(If YES) Date Offered: _____ By Whom: _____ Start Date: _____

(If NO) Decision explained to candidate: Date: _____ By Whom: _____

What planned goals were discussed with employee? _____

Internal Transfer Request

I. To be completed by EMPLOYEEName: LUKASE KOSHYToday's Date: 01-03-07Hotel Hire Date: 10-17-1987

(must be employed in hotel minimum of 1 year)

Amount of time in Current Position: 19 YRS & 2 MONTHS

(must be in current position minimum of 6 months)

Current Department & Position: SAME AS ABOVEDepartment & Position Applied for: BANQUET CAPTAINWhat qualifies you for this position? (please provide specific information) 3 YRS AT THE CLARIDGES HOTEL IN INDIA AS AN ASST. CAPTAIN, 15 YRS AT THE WALDORF ASTORIA HOTEL, 19 YRS & 2 MONTHS AT THE PIERRE. WE NEED TO IMPROVE THE CAPTAIN JOBS. AS I SHARED WITH THEEMPLOYEE SIGNATURE: And KoshyDATE: 01-03-07**II. To be completed by CURRENT DEPARTMENT HEAD**

Has the employee been employed at The Pierre for at least one (1) year?

Yes ☒ No ☐

Has the employee been in his/her position for a minimum of six (6) months?

Yes ☒ No ☐

Has the employee received a disciplinary action in the last three (3) months?

Yes ☐ No ☒

Do you consider the employee eligible for a transfer based on their current performance?

Yes ☒ No ☐

(if employee has received disciplinary action in the last 3 months, they are not eligible for transfer at this time)

Recommended for an interview:

Yes ☒ No ☐

Comments: (please provide specific information)

CURRENT DEPT. HEAD APPROVAL: Yes ☒ No ☐SIGNATURE: C. EdmundDATE: 3/1/07CURRENT DIV. HEAD APPROVAL: Yes ☐ No ☐

SIGNATURE:

DATE:

III. To be completed by HUMAN RESOURCES

Comments:

19 years 4 monthsHR APPROVAL: Yes ☒ No ☐SIGNATURE: JohnDATE: 3/5/07**IV. To be completed by RECEIVING DEPARTMENT HEAD**

Comments: (please provide specific information)

RECEIVING DEPT. HEAD APPROVAL: Yes ☐ No ☐

SIGNATURE:

DATE:

V. Final ApprovalsRECEIVING DIV. HEAD APPROVAL: Yes ☐ No ☐

SIGNATURE:

DATE:

HOTEL MANAGER/GM APPROVAL: Yes ☐ No ☐

SIGNATURE:

DATE:

Offered Position: Yes ☐ No ☐

(If YES) Date Offered: _____ By Whom: _____ Start Date: _____

(If NO) Decision explained to candidate: Date: _____ By Whom: _____

What planned goals were discussed with employee? _____

Internal Transfer Request

I. To be completed by EMPLOYEEName: BOY FRANKISToday's Date: 3-1-2007Hotel Hire Date: 3-1-1999

(must be employed in hotel minimum of 1 year)

Amount of time in Current Position: 1 year

(must be in current position minimum of 6 months)

Current Department & Position: Banquette waiter A listDepartment & Position Applied for: Banquette Captain

What qualifies you for this position? (please provide specific information)

Leadership SkillsEMPLOYEE SIGNATURE: FrankisDATE: 3-1-2007**II. To be completed by CURRENT DEPARTMENT HEAD**Has the employee been employed at The Pierre for at least one (1) year? Yes ☒ No ☐Has the employee been in his/her position for a minimum of six (6) months? Yes ☒ No ☐Has the employee received a disciplinary action in the last three (3) months? Yes ☐ No ☒Do you consider the employee eligible for a transfer based on their current performance? Yes ☒ No ☐

(if employee has received disciplinary action in the last 3 months, they are not eligible for transfer at this time)

Recommended for an interview:

Comments: (please provide specific information)

CURRENT DEPT. HEAD APPROVAL: Yes ☐ No ☐SIGNATURE: C. EdwardsDATE: 3/1/07CURRENT DIV. HEAD APPROVAL: Yes ☐ No ☐

SIGNATURE: _____

DATE: _____

III. To be completed by HUMAN RESOURCES

Comments: _____

HR APPROVAL: Yes ☐ No ☐SIGNATURE: EdwardsDATE: 3/5/07**IV. To be completed by RECEIVING DEPARTMENT HEAD**

Comments: (please provide specific information)

RECEIVING DEPT. HEAD APPROVAL: Yes ☐ No ☐

SIGNATURE: _____

DATE: _____

V. Final ApprovalsRECEIVING DIV. HEAD APPROVAL: Yes ☐ No ☐

SIGNATURE: _____

DATE: _____

HOTEL MANAGER/GM APPROVAL: Yes ☐ No ☐

SIGNATURE: _____

DATE: _____

Offered Position: Yes ☐ No ☐

(If YES) Date Offered: _____ By Whom: _____ Start Date: _____

(If NO) Decision explained to candidate: Date: _____ By Whom: _____

What planned goals were discussed with employee? _____

Internal Transfer Request

I. To be completed by EMPLOYEE

Name: George MackenzieToday's Date: 2-14-07Hotel Hire Date: 1-23-95

(must be employed in hotel minimum of 1 year)

Amount of time in Current Position: 12 yrs

(must be in current position minimum of 6 months)

Current Department & Position: Banquets - serverDepartment & Position Applied for: Banquets - Bar Captain

What qualifies you for this position? (please provide specific information)

I'm skilled in expediting every aspect for this position such as delivering early linens for housemen & florist, bartenders supplies, coordinating times with stewarding & kitchen Depts.

EMPLOYEE SIGNATURE: George MackenzieDATE: 2-14-07sae
bottom

II. To be completed by CURRENT DEPARTMENT HEAD

Has the employee been employed at The Pierre for at least one (1) year?

Yes ☒ No ☐

Has the employee been in his/her position for a minimum of six (6) months?

Yes ☒ No ☐

Has the employee received a disciplinary action in the last three (3) months?

Yes ☐ No ☒

Do you consider the employee eligible for a transfer based on their current performance?

Yes ☒ No ☐

(if employee has received disciplinary action in the last 3 months, they are not eligible for transfer at this time)

Recommended for an interview:

Yes ☒ No ☐

Comments: (please provide specific information)

CURRENT DEPT. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: C. ElmerDATE: 2/26/07CURRENT DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____

DATE: _____

III. To be completed by HUMAN RESOURCES

Comments:

12 years, 1 disc on 5/21/06, disc in 2005 and 2006
nominated for FOM in Jan 2006

FEB 21 2007

HR APPROVAL: Yes ☒ No ☐SIGNATURE: A. MohamedDATE: 2/22/07

IV. To be completed by RECEIVING DEPARTMENT HEAD

Comments: (please provide specific information)

RECEIVING DEPT. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____

DATE: _____

V. Final Approvals

RECEIVING DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____

DATE: _____

HOTEL MANAGER/GM APPROVAL: Yes ☐ No ☐ SIGNATURE: _____

DATE: _____

Offered Position: Yes ☐ No ☐

(If YES) Date Offered: _____ By Whom: _____ Start Date: _____

(If NO) Decision explained to candidate: Date: _____ By Whom: _____

What planned goals were discussed with employee? _____

GEORGE MACKENZIE

408 Eric Lane
Northvale, NJ 07647
(201)660-8437 Cell. (201)394-4492
geomack408@optonline.net

Objective: Banquet Captain position within a large hotel's banquet facility.

HIGHLIGHTS OF QUALIFICATIONS

- Excellent organizational abilities
- Great staff motivator
- Strong management skills under deadline pressure
- Talented problem-solver
- Skilled in creating rapport with clients
- Self-starter

Certifications:

- Hospitality Management Diploma- Overall scope of modern hotels' operations.
- Food & Beverage Operation
- French Service Captain/Sommelier
- Culinary Arts
- Meat Cutting & Merchandising
- Stewarding
- Front Office Procedures

RELEVANT EXPERIENCE

Management

- Supervise wait staff of 20 during day and evening shifts.
- Hire and train new employees.
- Coordinate schedules for all workers

Inventory Control

- Manage food and restaurant supply inventory
- Order supplies as needed
- Negotiate contracts and special orders with suppliers

Customer Service

- Assist individual and corporate clients with party and banquet planning
- Direct all activities during events
- Coordinate banquet room set-up and break-down

EMPLOYMENT HISTORY

1995 - Present	Banquet Server	The Pierre Hotel
1990 - 1995	Banquet Server & Room Service Server	The Mark Hotel
1989 - 1995	Banquet Server	The Carlyle Hotel
1986 - 1990	Banquet Server	The Westbury Hotel
1983 - 1986	Assistant Manager	Essex House-Nikko Hotels

EDUCATION

Career Blazers- Paramus, NJ

Microsoft Word, Excel, Power Point Certification 12/00

New York University-Midtown Campus

Hospitality Management Diploma 5/85

The Sommelier Society of America-New York, NY

Wine Captain Certification 12/84

New York Hotel and Motel Trades Council and Hotel Association: Industry

Training Program Certified 5/84

References available upon request.

Anisa Mohamed-Cotrina

From: Tim Marwitz
Sent: Thursday, February 22, 2007 2:03 PM
To: Group-NYP-Banquet; Group-NYP-Human Resources

To Whom it may concern,

I am writing this recommendation on behalf of George Mackenzie.

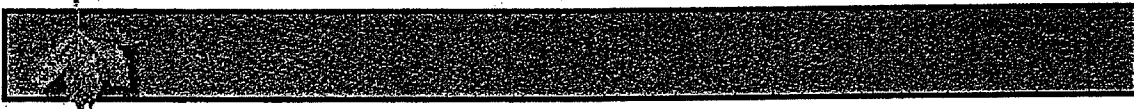
I have known George for 7 Years and consider him to be a very gentle man.

In the work place, he sets an example to others by providing excellent service to our customers and always tries to accommodate the guest as best he can.

More importantly, George's pleasant smile and personality are what sets him apart from the others.

I have no doubt that George would make an excellent candidate in the "Captain's" position.

Tim Marwitz
Sous Chef
Fifth Avenue at 61st Street
New York, NY 10021
Tel: (212) 838-8000
Fax: (212) 940-8444
tim.marwitz@tajhotels.com
The Leading Hotels of the World



2/22/2007

D0226

Internal Transfer Request

I. To be completed by EMPLOYEE

Name: GEORGE OMAR GARCIA-MONTON
 Today's Date: FEB. 15, 07
 Hotel Hire Date: 10/87 (must be employed in hotel minimum of 1 year)
 Amount of time in Current Position: 20 YRS (must be in current position minimum of 6 months)
 Current Department & Position: BANQUET WAITER
 Department & Position Applied for: BANQUET CAPT.
 What qualifies you for this position? (please provide specific information) FOOD & BEV. EXPERIENCE - INTERPERSONAL SKILLS (COMMUNICATIONS - Pay Roll - EMPLOYEES - MANAGEMENT - CAPTAIN EMPLOYEES, ETC.), AS WELL AS EXPERIENCE AT OFFICE
 EMPLOYEE SIGNATURE: [Signature] DATE: 2/13/07

II. To be completed by CURRENT DEPARTMENT HEAD

Has the employee been employed at The Pierre for at least one (1) year? Yes ☒ No ☐
 Has the employee been in his/her position for a minimum of six (6) months? Yes ☒ No ☐
 Has the employee received a disciplinary action in the last three (3) months? Yes ☐ No ☒
 Do you consider the employee eligible for a transfer based on their current performance? Yes ☒ No ☐
 (if employee has received disciplinary action in the last 3 months, they are not eligible for transfer at this time)
 Recommended for an interview: Yes ☒ No ☐
 Comments: (please provide specific information) _____

CURRENT DEPT. HEAD APPROVAL: Yes ☒ No ☐ SIGNATURE: C. Blum DATE: 2/16/07
 CURRENT DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

III. To be completed by HUMAN RESOURCES

Comments: 19 years 4 months
FEB 21 2007
 HR APPROVAL: Yes ☒ No ☐ SIGNATURE: [Signature] DATE: 2/23/07

IV. To be completed by RECEIVING DEPARTMENT HEAD

Comments: (please provide specific information) _____
 RECEIVING DEPT. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

V. Final Approvals

RECEIVING DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____
 HOTEL MANAGER/GM APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____
 Offered Position: Yes ☐ No ☐
 (If YES) Date Offered: _____ By Whom: _____ Start Date: _____
 (If NO) Decision explained to candidate: Date: _____ By Whom: _____
 What planned goals were discussed with employee? _____

Internal Transfer Request

I. To be completed by EMPLOYEE

Name: JUAN A FERNANDEZToday's Date: 3/5/07Hotel Hire Date: 9/21/92 (must be employed in hotel minimum of 1 year)

Amount of time in Current Position: _____ (must be in current position minimum of 6 months)

Current Department & Position: BANQUET WAITERDepartment & Position Applied for: BANQUET CAPTAIN

What qualifies you for this position? (please provide specific information)

BECAUSE I HAVE EXPERIENCE A LA CARTE, BANQUET AND I AM HARDWORKING PERSON, AND I MAKE CUSTOMER FEEL GREAT.EMPLOYEE SIGNATURE: Juan A Fernandez DATE: 3/5/07

II. To be completed by CURRENT DEPARTMENT HEAD

Has the employee been employed at The Pierre for at least one (1) year? Yes ☒ No ☐Has the employee been in his/her position for a minimum of six (6) months? Yes ☒ No ☐Has the employee received a disciplinary action in the last three (3) months? Yes ☒ No ☐Do you consider the employee eligible for a transfer based on their current performance? Yes ☒ No ☐
(if employee has received disciplinary action in the last 3 months, they are not eligible for transfer at this time)

Recommended for an interview: _____

Comments: (please provide specific information) _____

CURRENT DEPT. HEAD APPROVAL: Yes ☒ No ☐ SIGNATURE: C. Edwards DATE: _____CURRENT DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

III. To be completed by HUMAN RESOURCES

Comments: 14 years

MAR - 5 2007

HR APPROVAL: Yes ☒ No ☐ SIGNATURE: M. H. H. DATE: 3/5/07

IV. To be completed by RECEIVING DEPARTMENT HEAD

Comments: (please provide specific information) _____

RECEIVING DEPT. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

V. Final Approvals

RECEIVING DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____HOTEL MANAGER/GM APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____Offered Position: Yes ☐ No ☐

(If YES) Date Offered: _____ By Whom: _____ Start Date: _____

(If NO) Decision explained to candidate: Date: _____ By Whom: _____

What planned goals were discussed with employee? _____

D0237

I. To be completed by EMPLOYEE

Name: WALEZ, Hector
 Day's Date: 01-03-07
 Hotel Hire Date: 16-08-1988 (must be employed in hotel minimum of 1 year)
 Amount of time in Current Position: 4 years (must be in current position minimum of 6 months)
 Current Department & Position: Banquet "A" list waiter
 Department & Position Applied for: Banquet captain
 What qualifies you for this position? (please provide specific information) Ability to interact with guests and willingness to go above and beyond my duties.
 EMPLOYEE SIGNATURE: [Signature] DATE: 01-03-07

II. To be completed by CURRENT DEPARTMENT HEAD

Has the employee been employed at The Pierre for at least one (1) year? Yes ☒ No ☐
 Has the employee been in his/her position for a minimum of six (6) months? Yes ☒ No ☐
 Has the employee received a disciplinary action in the last three (3) months? Yes ☐ No ☒
 Do you consider the employee eligible for a transfer based on their current performance? Yes ☒ No ☐
 (If employee has received disciplinary action in the last 3 months, they are not eligible for transfer at this time)
 Recommended for an interview: [Signature] Yes ☒ No ☐
 Comments: (please provide specific information) Part time Capt. position with 3/26/07

CURRENT DEPT. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: C. Edwards DATE: 3/1/07
 CURRENT DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

III. To be completed by HUMAN RESOURCES

Comments: _____
 HR APPROVAL: Yes ☒ No ☐ SIGNATURE: [Signature] DATE: 3/5/07

IV. To be completed by RECEIVING DEPARTMENT HEAD

Comments: (please provide specific information) Part time position for Captain
Very well known and capable for the position.
 RECEIVING DEPT. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____

V. Final Approvals Part Time Position on hold

RECEIVING DIV. HEAD APPROVAL: Yes ☐ No ☐ SIGNATURE: _____ DATE: _____
 HOTEL MANAGER/GM APPROVAL: Yes ☒ No ☐ SIGNATURE: [Signature] DATE: 5/3/07
 Offered Position: Yes ☐ No ☐
 (If YES) Date Offered: _____ By Whom: _____ Start Date: _____
 (If NO) Decision explained to candidate: _____ Date: _____ By Whom: _____
 What planned goals were discussed with employee? _____

Human Resource
Prerre Hotel

2/21/07

Mrs. Ivone Mancine

All the applicants who signed below for the opening as Captain at the Banquet Department are very much concerned and preoccupied for the manner or method of doing it.

We the group who applied for this promotion are employees for the last 21 years, very loyal, consistent, good hard workers individual with very good records; proved by the annual Survey done by the head of our Department.

Our fear are that the selection for the next Captain will be done in a very particular way: Selecting an individual who is working with us for 3 years; also is a member of the Board of Director at our Union: this reflect that management is giving a preference, creating a conflict of interest.

The reason of "being" or *Raison d'être* of our Union is to insure fair treatment to everybody and everyone to its general membership and not to attempt to impose a member of the Board of Directors of the Union "our Union" for a prized position.

All this at the expense of a significant sized group of more "union workers".

D0250

Mario
Pardo

The Pierre Hotel
Department Head - Interview Guide
Non-Management Candidate

applying for Banquet Captain

Functional Competencies

Banquet Captain

Notes

- 1) Walk me through a wedding, as specific as possible.
 - Include set up, service, and closing
 - Timing with: courses, band, toasts, etc.
- 1a) If you had a 4-hour Dinner/Dance, how would you time it?
- 2) What is the difference between the setup of a dessert buffet vs. a dinner buffet?
- 3) What do you consider are the greatest differences between a Server and Captain?
- 4) Tell me the steps of Banquet Service, beginning with set up?
 - Glassware, silverware, china
 - Service style
- 5) Tell me about a time when you had to solve a problem between the Kitchen Chef and the waiters.
 - What happened?
 - What did you do?
 - What was the outcome?
- 6) Tell me about a time when you enhanced a guest's experience during an event.
 - What was the situation or request?
 - How did you approach? (step by step)
 - How often does this happen?
- 7) Describe a time when you had to deal with an angry/upset guest or coworker?
 - How did you handle it?
 - What did you learn from the situation?

- First Reception is one hr, Reception is part of service.
Superior service of food
Make sure no complaints,
no complaints allowed in service.
Accidents happen, offer guest wine or Champagne to make her feel happy again.
3) Capt has to help personally & know how to give orders to get the job done in a proper manner. & last - Talk to the Servers in the proper way treat w/ respect but enforce what has to be done.
5) First of all if problem w/ Chef & waiters, discuss problem after service, no time for discussion during service, 1st priority in middle of service don't discuss problem between the waiter & chef

⑦ If guest is angry ~~to~~ report for any reason if server was rude. Apologize to customer. When we don't then after Service talk w/ Employee ^{date} ~~What happened~~ ^{send with} ~~the~~ the guest. If has to be reprimanded have to do so according to the level of the problem & discuss w/ H/W or my Boss.

- Operates Service, bringing guests back.
 Deliver to just want to deliver - ~~del~~

The Pierre Hotel
Department Head - Interview Guide
Non-Management Candidate

Functional Competencies	
Strengths	
Weaknesses	Not enough I didn't fully answer Questions no specific examples.

Overall Rating (circle one)

☐ Not Acceptable

☒ Satisfactory

☐ Strength

D0160

Grisek
Bielinski

The Pierre Hotel
Department Head - Interview Guide
Non-Management Candidate

Bona Full time & part time

Functional Competencies

Banquet Captain

1) Walk me through a wedding, as specific as possible.

- Include set up, service, and closing
- Timing with: courses, band, toasts, etc.

1a) If you had a 4-hour Dinner/Dance, how would you time it?

2) What is the difference between the setup of a dessert buffet vs. a dinner buffet?

3) What do you consider are the greatest differences between a Server and Captain?

4) Tell me the steps of Banquet Service, beginning with set up?

- Glassware, silverware, china
- Service style

5) Tell me about a time when you had to solve a problem between the Kitchen Chef and the waiters.

- What happened?
- What did you do?
- What was the outcome?

6) Tell me about a time when you enhanced a guest's experience during an event.

- What was the situation or request?
- How did you approach? (step by step)
- How often does this happen?

7) Describe a time when you had to deal with an angry/upset guest or coworker?

- How did you handle it?
- What did you learn from the situation?

Notes

1) One 2 or 3 hours early get all the details. First look to see how it set up. Check for notes for Boss after program work for waiters so more or less get them what they need to do a good job. Do the diagram schedule all things, try to help waiters. Every function is different and need to have it perfect. After show bar in a peak w/ lady in charge & make it like your own business. Try to solve problems. Make it easy to carry 4 hours of service.

2) 2 phases - waiters have reports of what to do well - wait for signal & listen & take order from Capt & show. Interpret what is needed & convey to waiters. to help the waiters to finish & do a good job. no competition, do best what & not

respect superior line to have respect of
waterfront. Tell the A to take order &
give help in that respect. Capt. is superior
on top of everything - this is serious not there
Can be 24/7.

5) If problem with the Chef - First talk to Chef Brico
further get acquaintance, then line, plates, service, order,
to work. When waiter be in to get on the floor
delivering on time & good costumer. Kitchen is one of the
last places & very good

7) First of all the guest is always tense, insecure
something will go wrong, you have to be calm &
let him know the way is possible. If cant
will propose 2 ways to get the problem
Resolved. Increase his voice, look at him
to calm him down. & with the waiter is
the same thing. Calm set & talk in a nice
way - Don't confront - go confront on 1-1
Best place less tension, can be a little
upset, Men or women. have to use all
to calm him down to talk with him.

The Pierre Hotel
Department Head - Interview Guide
Non-Management Candidate

Functional Competencies	
Strengths	
Weaknesses	- Division of sexes - not detailed in answer

Overall Rating (circle one)

☐ Not Acceptable

☒ Satisfactory

☐ Strength

- Scrub Captain already Rafa Jack Paine
 4 Scrub Capt. Ellis Swander
 GG
 Mora
 ?

John Law

The Pierre Hotel
Department Head - Interview Guide
Non-Management Candidate

Only fill the forms

Functional Competencies	
	Banquet Captain
1) Walk me through a wedding, as specific as possible. <ul style="list-style-type: none"> Include set up, service, and closing Timing with: courses, band, toasts, etc. 	Notes <p>① I would be 2 hours early as a Capt then make sure we know names, timing w/ BO have a meeting w/ H/W & mgrs to review whole night agenda - Go to the last ^{important} ^{needed} (no matter who it is, there are always last minute changes) & work with the party lead to go through timing then do the floor plan & deliver rest throughout the night.</p>
1a) If you had a 4-hour Dinner/Dance, how would you time it?	
2) What is the difference between the setup of a dessert buffet vs. a dinner buffet?	
3) What do you consider are the greatest differences between a Server and Captain?	
4) Tell me the steps of Banquet Service, beginning with set up? <ul style="list-style-type: none"> Glassware, silverware, china Service style 	
5) Tell me about a time when you had to solve a problem between the Kitchen Chef and the waiters. <ul style="list-style-type: none"> What happened? What did you do? What was the outcome? 	<p>② - Server gets follow up orders, Captains look at whole menu, Review the Room for timing/sanity Capt has more taste & senses as supervisor the event smoothly & efficiently - I give floor plan & in turn of Reception Room in order make sure everyone is ready for service</p>
6) Tell me about a time when you enhanced a guest's experience during an event. <ul style="list-style-type: none"> What was the situation or request? How did you approach? (step by step) How often does this happen? 	<p>Responsibility of taking care of guest & supervisor while doing Room Monitor & part of Capt to make sure, whole/whole</p>
7) Describe a time when you had to deal with an angry/upset guest or coworker? <ul style="list-style-type: none"> How did you handle it? What did you learn from the situation? 	

D0167

6th Schine unaffiliated service.

5. Many interviews when during party where Chef had requested to do differently our normal pick up procedure or face such as only carry 2 or 4 plates @ a time, & Because of the importance of the party or very elaborate presentation ~~to~~ it wasn't ~~things~~ the waiter would say it is not what we normally do we start telling rest of the staff to be part of team & have to execute the presentation of what the chef requires despite what we normally do and I have also convinced wait staff we have to use same presentation for what they had @ the taster.

We're here to contribute to the highest standard of service of what the hotel gives you & we are sure you are to provide exceptional fine dining experience in a beautiful environment. Welcome to our flawless service.

7) Many instances where guests @ the table which regret explain about the food & service.

First I apologized to the guest & then we ask what was wrong & we listen to carefully what took place, & if anything we can solve right away by rectifying the problem and go to the guest & replace what was wrong, see if their satisfied & if not or simultaneously ~~not~~ stated means a duty. ~~Check~~ See if guest was ~~satisfied~~ satisfied & see if problem was resolved.

I learned that anytime guest explain it is our opportunity to get to know guests & when we fix their problem, Build a special rapport & know for sure that the guest will go back knowing we went out of our way, took personal attention to resolve the problem. They will refer it to friends about our impeccable service @ the Pierre Hotel & we will for sure Build customer loyalty.

The Pierre Hotel
Department Head - Interview Guide
Non-Management Candidate

Functional Competencies	
Strengths	<i>gave detailed answer,</i>
Weaknesses	

Overall Rating (circle one)

☐ Not Acceptable

☐ Satisfactory

☒ Strength

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GRISELDA BIELINSKI and MARIO)
PARDO,)

Plaintiffs,

Case No.

07 Civ. 11636

vs.

(SS)

HOTEL PIERRE,

Defendant.

-----)

DEPOSITION OF CHRISTOPHER EDMONDS

New York, New York

Tuesday, April 29, 2008

COPY

Reported by:

TAMI H. TAKAHASHI, RPR, CSR

JOB NO. 202786A

Christopher Edmonds

Page 55

1 **Edmonds**

2 A. I don't know. I don't know.

3 Q. The -- if we go to Exhibit 12, your
4 strengths and weaknesses on Ms. Bielinski --

5 A. Um-hum.

6 Q. -- as a result of your interview,
7 you didn't note any strengths?

8 A. Not at the time, I didn't write
9 anything down.

10 Q. And then weaknesses, what -- you
11 wrote "division of sexes" -- and I can't read
12 what that --

13 A. "Not too detailed an answer."

14 Q. Meaning what?

15 A. That I felt that her -- her answers
16 weren't specific enough to what I asked and
17 weren't really what I was looking for.

18 Q. And -- but you rated her
19 satisfactory?

20 A. Yes.

21 Q. And what did you -- on the bottom,
22 could you read that?

23 A. It says, "Scrub captain." She
24 mentioned that she was a scrub captain
25 before -- already before Jack Racic was

Christopher Edmonds

Page 56

1 Edmonds

2 captain. Said there was four scrub captains.

3 Eddie Hernandez, herself, Moran, and she

4 couldn't recall who the last person was.

5 This took place years ago prior to

6 myself working there. There was always six

7 captains. I don't recall a time when there

8 were four scrub captains. And this was one

9 thing that I looked into and I asked about.

10 **Q. What's a scrub captain?**

11 A. Still never got a decisive answer

12 on it. I don't know if it was when someone

13 was out or they needed more people. Because,

14 at the time, there was only one head waiter,

15 no assistant head waiters or assistant

16 managers. There was only gentleman named

17 Guenther Noeth, who was the head waiter at

18 the time. And there was no one else.

19 So, there was just the six

20 captains. I don't know if it was -- like I

21 said, I never got a decisive answer on it. I

22 don't know if it was because they were

23 shorthanded during the parties, because there

24 were several parties going on at one time.

25 **Q. All right. So, you rated -- you**

Christopher Edmonds

Page 57

1 **Edmonds**

2 **rated Ms. Bielinski satisfactory?**

3 A. Yes.

4 Q. Now, if we look at Mr. Pardo's
5 form, his evaluation --

6 A. Um-hum.

7 Q. -- you didn't note any strengths.
8 Why was that?

9 A. Don't recall. Don't recall.

10 Q. And the weaknesses?

11 A. He didn't give enough specific
12 examples. There wasn't -- not enough, didn't
13 fully answer the question. No specific
14 examples.

15 Q. All right. And then on Mr. Laut's
16 form, you rated him as having given
17 detailed -- his strengths, gave detailed
18 answers.

19 A. Yes.

20 Q. And no weaknesses?

21 A. No.

22 Q. And your overall rating was
23 strength?

24 A. Yes.

25 Q. All right. Now, the ratings that

Christopher Edmonds

Page 58

1 **Edmonds**

2 you gave to people, did you rate anyone else
3 as satisfactory?

4 A. I'd have to look over the reviews.
5 There are a couple of others, yes.

6 Q. Do you know who -- did you make
7 recommendation in any other format? Did you
8 make -- did you do a report? Did you do a
9 summary? Did you do a -- did you pass on
10 your feelings about these candidates to
11 anyone else, or did you just fill out these
12 forms and give them back to the Human
13 Resources?

14 A. No. I spoke -- I spoke about it
15 with Bill Spinner and then with -- with --
16 with Mr. Kuenstle. Also, I also spoke --
17 after each -- after each one, I -- I -- after
18 writing everything down and having
19 Ms. Mohamed there, I definitely gave my
20 opinion to what I thought for each candidates
21 who applied for it.

22 Q. Do you know how people moved on to
23 the next level of interview?

24 A. Yeah. I spoke with Bill about who
25 the -- who the -- with Bill Spinner who I

Christopher Edmonds

Page 59

1 Edmonds

2 would recommend as our six potential
3 candidates as captain.

4 Q. So, you gave him six names?

5 A. I believe it was six.

6 Q. And did you hand him your -- did
7 you say anything more than, here's the six I
8 recommend? Did you have a discussion
9 specifically about each of the six of what
10 you thought the strengths and weaknesses
11 were?

12 A. It did get discussed.

13 Q. And did you say anything to him
14 about whether or not Ms. Bielinski or
15 Mr. Pardo had weaknesses or strengths --
16 excuse me.

17 A. I --

18 Q. You noted weaknesses on the form.

19 A. I don't recall if I spoke
20 specifically of what I wrote down. I
21 definitely told -- spoke with Bill about what
22 I thought -- how their answers were and who I
23 felt -- who I felt had the best answers, who
24 I felt had the best -- who I thought might
25 have been the best appropriate of the -- you

Christopher Edmonds

Page 60

1 Edmonds

2 know, of the 12, of the 6, that I thought was
3 the most appropriate for -- that had
4 potential to be a captain, yes.

5 Q. Well, given that your -- your --
6 the only one you rated as -- where you
7 checked the box "strength" was Mr. Laut --

8 A. Yes.

9 Q. -- did you tell Mr. Spinner that it
10 was your recommendation that Mr. Laut get the
11 job at the time?

12 A. I believe so. Well, not -- not
13 that -- not that he get the job after that,
14 no. That he was the strongest person. He
15 answered the questions for -- for me, he
16 answered the questions in great detail. He
17 answered the questions exactly what I was
18 asking for in each one, was able to give
19 examples, specific examples.

20 Q. Did you find in the course of your
21 interviews of Ms. Bielinski or Mr. Pardo that
22 there was some language difficulties in terms
23 of, like, understanding what the question
24 was?

25 A. No.

Interview:

- Overview of candidate history and experience.
- Knowledge of captains position.
- Ways in which the captains can improve banquet service & guests' experience.

Jay Laut

- Server experience - very good
- Very knowledgeable in current position
- Well spoken; clear & precise communication skills
- Thorough knowledge with the process of booking the staff
- Thorough knowledge of the union / management issues
- Served as delegate
- Understands function of captain position and added value to the customer
- Made constructive suggestions as to new ways a captain can contribute to the improvement of the service
- Discussed specific ways we could schedule staff to increase service at cocktail receptions

Department Head recommends interview with General Manager or Hotel Manager:

☒ yes ☐ no

Interview:

- Overview of candidate history and experience.
- Knowledge of captains position.
- Ways in which the captains can improve banquet service & guests' experience.

Mario Pardo

- Server experience - very good
- Very knowledgeable in current position
- Well spoken; very general statements- not detailed
- Thorough knowledge with the process of booking the staff
- Thorough knowledge of the union / management issues
- Served as delegate
- Did not suggest any ways in which he would be able to improve crew's service as a captain; was not specific
- Felt there is tension between management and current captains

Department Head recommends interview with General Manager or Hotel Manager:

☒ yes ☐ no

Interview:

- Overview of candidate history and experience.
- Knowledge of captains position.
- Ways in which the captains can improve banquet service & guests' experience.

Griselda Bielinski

- Server experience - very good
- Very knowledgeable in current position
- Well spoken; communication style is not always detailed, can be difficult to follow
- Familiar with the process of booking the staff
- Little interaction with management / union issues
- Never served as delegate
- Familiar with captains interaction with customer
- Did not suggest any ways in which she would be able to improve crew's service as a captain

Department Head recommends interview with General Manager or Hotel Manager:

☒ yes ☐ no

William Spinner

Page 1

1

2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3

4

5 GRISELDA BIELINSKI and MARIO)

PARDO,)

6)

Plaintiffs, Case No.

7

07 Civ. 11636

vs. (SS)

8

HOTEL PIERRE,)

9

Defendant.)

10

-----)

11

12

DEPOSITION OF WILLIAM SPINNER

13

New York, New York

14

Tuesday, April 29, 2008

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24 Reported by:

TAMI H. TAKAHASHI, RPR, CSR

25

JOB NO. 202786A

COPY

William Spinner

Page 22

1 **Spinner**

2 **people to be interviewed by the general**
3 **manager?**

4 A. Yes.

5 Q. Now, what was it about

6 **Ms. Bielinski that you felt made her one of**
7 **the top three candidates to be interviewed by**
8 **the general manager?**

9 A. Well, I had -- I mean, looking at
10 all -- I think I interviewed six. So,
11 looking at all six, I felt, of the ones that
12 I picked to pass up, she had, by comparison
13 to the other people, communication skills,
14 she had history of service at the Pierre that
15 was good. She was familiar with -- I mean,
16 it's right here. The booking -- the booking
17 process. Those are the three key points that
18 led me to pass her up.

19 Q. Now, it says here, "Did not suggest
20 any ways in which she would be able to
21 improve crew's service as a captain."

22 A. Right.

23 Q. Did you ask her?

24 A. Yes.

25 Q. And she said she couldn't think of

William Spinner

Page 23

1 **Spinner**

2 **anything?**

3 A. No. She came up with an answer,
4 but it didn't answer my question.

5 **Q. What did she say?**

6 A. I don't remember the specifics, but
7 it kind of rambled on about how she would
8 handle -- or how she would interact with
9 clients or the contact of an event.

10 **Q. And what kind of question were you**
11 **looking for -- answer were you looking for?**

12 A. I was looking for something very
13 specific that someone taking this job would
14 come up with that would have a direct impact
15 on improving the service.

16 **Q. And you said she spoke about**
17 **interactions with clients?**

18 A. With her interactions with clients.
19 It would be like, you know, that they would
20 be positive.

21 **Q. So, she was discussing why she**
22 **would be a good candidate for the job?**

23 A. Yes.

24 **Q. As opposed to changes in what --**
25 **improving the crew service?**

William Spinner

Page 24

1 **Spinner**

2 A. Yes.

3 Q. Did you repeat the question to --
4 did you get any sense of maybe she didn't
5 follow what you were trying to get at?

6 A. I didn't get that sense, and I
7 don't think I repeated the question.

8 Q. All right. Now, but you passed her
9 on as one of the top three, anyway?

10 A. Yes.

11 Q. With Mr. Pardo, you asked him that
12 question?

13 A. Yes.

14 Q. And he also didn't suggest a way in
15 which he would be able to improve the crew's
16 service?

17 A. No, nothing specific. I don't
18 recall his answer.

19 Q. Did he -- you don't recall his
20 answer?

21 A. Not now, no.

22 Q. Did he answer your question?

23 A. I'm sure he did.

24 Q. All right. And then Mr. Laut, your
25 notes are on the third page of the exhibit.

William Spinner

Page 25

1 **Spinner**

2 A. Right.

3 Q. Did you know how long he had been a
4 server on the A list?

5 A. Yes. Well, I knew how long he had
6 been a server. He became a server after --
7 at some point after I left, but I did look at
8 his resume.

9 Q. What -- you wrote here, "Made
10 constructive suggestions as to new ways a
11 captain can contribute to the improvement of
12 the service." What suggestions did he make?

13 A. Well, he was the only one of the
14 six that I interviewed that had a very
15 specific answer to my question, which was the
16 process and way the -- in the booking of the
17 servers during a cocktail reception before a
18 meal, like a dinner or a wedding, he
19 suggested that when there's -- you know,
20 the -- if there's a given number of people
21 that are booked for a cocktail reception and
22 they initially are assigned usually three
23 different things to do, serving beverages,
24 serving food and clearing off, that aside
25 from -- rather than those three -- you know,

William Spinner

Page 26

1 Spinner

2 the list of the servers to be fixed the whole
3 time through, that they would be deployed a
4 little bit more effectively in that one-hour
5 period where there would be more people
6 passing initially food and beverage and less
7 people clearing off, under the assumption
8 that there would be less dirty plates. And
9 later we would have more people clearing off
10 and fewer people passing food and beverage.

11 Q. So, the last two bullet points were
12 really --

13 A. Yeah.

14 Q. -- related to each other?

15 A. That's related to the third
16 question, right.

17 Q. All right. Now, you made these
18 notes. And what did you do with your notes?

19 A. I eventually -- I gave them to
20 Human Resources. I don't know if I e-mailed
21 them or gave them hard copies. I don't
22 recall.

23 Q. And you recommended three people to
24 move to the next level of discussion?

25 A. Yes.

William Spinner

Page 29

1 **Spinner**

2 **relative positions to each other?**

3 A. Heiko Kuenstle is the general
4 manager. And Christian Hommerich is the
5 hotel manager, basically the number two.

6 Q. **The hotel manager is number one?**

7 A. Number one.

8 Q. **Do you know why Hommerich**
9 **interviewed Bielinski and Pardo and**
10 **Mr. Kuenstle interviewed Mr. Laut?**

11 A. As far as I knew, it was a
12 scheduling issue.

13 Q. **Do you -- so, you were involved in**
14 **the actual determination of who to hire?**

15 A. Yes.

16 Q. **Was Ms. Mancini involved?**

17 A. She was a part of one of the
18 meetings, but more from a procedural point as
19 far as -- that was my interpretation.

20 Q. **What -- can you just tell us what**
21 **-- sort of in summary, what reason -- what**
22 **the reasoning was for why Mr. Laut was chosen**
23 **instead of Ms. Pardo -- Mr. Pardo and**
24 **Ms. Bielinski?**

25 A. Sure. Based on my assessment of

William Spinner

Page 30

1 Spinner

2 Chris's interviews and based on my
3 interviews, I felt Jay Laut had the most
4 leadership skills. He had -- he was the most
5 articulate. He was able to hear my question
6 and give an answer -- specific an answer,
7 which I think is very similar to the way our
8 customers ask a question. They don't ask it
9 twice. They want an answer the first time.

10 So, I felt his very direct, very
11 specific, very clear answer made him by far
12 the best candidate.

13 Q. Did everybody have a similar
14 opinion?

15 A. Yes, definitely.

16 Q. When you were speaking to
17 Ms. Bielinski, did you feel there were any
18 barriers in terms of language in
19 understanding in terms of her grasp of
20 English?

21 A. Of the language, no.

22 Q. Yes. How about Mr. Pardo?

23 A. No.

24 Q. The discussion about who to hire
25 that -- the four -- eventually, the final



The Pierre

New York

A Taj Hotel

①

Griselda Bielewsky

3/30/7

@ Pierre: 21 yrs. Banquet Catering

Schedule: flexible

Kind of function: receptions, bus. lunches,
coffee breaks, social: weddings,
Christenings, private parties.

Favorite: all of them: very diff.
diff. music; weddings are
very special; it is nice to see
people being so happy + thanking me.

your reg. day when scheduled to work a
wedding:

either: reception, tables, clearing
reception: make tables look pretty
very clean + perfect.

We are on stage & we have to
perform: being kind; make guests
feel that they are very important.
then we serve: we work as a
team: 10 courses per table:

five water; offer anything:
"My name is Gigi: I will attend to
you all night! ~~do~~ ~~do~~ can I offer
anything to drink..."

D0149



The Pierre

New York

A Taj Hotel

(2)

- Shift @ Captain: - Supervising waiters
make sure standards are followed,
tell waiters to make things look
nice: for the guest.
meet guest's expectations
- I will come early & be aware
of complete function
 - who is the person in charge
 - brief waiters: Set-up,
plans; make sure they have all
materials they need.
 - meet with rep. of party/guest:
offer drinks;
 - review program for the day
 - make changes if required
 - be as gracious & polite as
possible
 - attend to all changes that guest
is requesting; if I can resolve,
I will do it; if not: speak to
Manager
 - make sure that guests when
they leave are satisfied; thank
them for being @ T.P.: best place
in N.Y.
 - then finish paperwork in office
 - short review of event;
document everything.

D0150



The Pierre

New York

A Taj Hotel

- go back to room: ensure that waiter did the right job cleaning up.

Am

- what if guest complains about food:
 - if guest does not like meat:
offer alternative dish: chicken, fish

Before the party: I speak to chef:
what are the vegetables;
what fish do you have;
guests may have diff. likes;
I want to be prepared & know
the menu;

attend to individual diet requests

Captain is like let. guest s. workers;
represent managers; find
solutions in case of a complaint.

I know job from A to Z: you
can test me any time



The Pierre

New York

A Taj Hotel

4/4/7

Ramiro Pardo

Current: Bgt wants A list;

Schedule: flex. according to function
can be long hours

diff function: wedding, party, Joe DiMaggio's

wedding event. get here 1 hour ahead to
prepare Silverman, planners: everything to
be neat clean.

then set up: tables, buffet,

Banquet: to show example table
Captain

each wants to set up 3 tables, +
3 to clear

Captains: to check set up (8, 10 or 12
ppl)

usually each 1 hour reception;
pass canapés...

like: but: converse with people;

make guests feel like home;

see diff menus: taste of food

Why do you want to move on:

I am getting old & when I separate

I can take care better of my family.

I do not have to carry weight.

D0161



The Pierre

New York

A Taj Hotel

look for retirement in 6 more
years.

Customer Service:

- we had laundry & room was warm;
we turned AC on & black dirt
came down; I helped cleaning.

- always do my best;

Customer, especially hostess has to
be satisfied.

Questions: no

Christian Hommerich

Page 1

1

2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3

4

5 GRISELDA BIELINSKI and MARIO)
PARDO,)

6)

Plaintiffs,

Case No.

7

07 Civ. 11636

vs.

(SS)

8)

HOTEL PIERRE,)

9)

Defendant.)

10)

-----)

11

12

13 DEPOSITION OF CHRISTIAN HOMMERICH

14

New York, New York

15

Tuesday, April 29, 2008

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COPY

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23

24 Reported by:

TAMI H. TAKAHASHI, RPR, CSR

25 JOB NO. 202786B

Christian Hommerich

Page 14

1 Hommerich

2 so --

3 A. Um-hum.

4 Q. This is in your handwriting?

5 A. Yes.

6 Q. Both of these?

7 A. Yes.

8 Q. And these reflect notes you took
9 during an interview of Ms. Bielinski and
10 Mr. Pardo; is that correct?

11 A. That's correct.

12 Q. Now, how did it come to be that you
13 came to speak to Ms. Bielinski and Mr. Pardo?

14 A. Let's first talk about
15 Ms. Bielinski. I -- this was a candidate
16 that was scheduled to meet with the general
17 manager for the interview. And I'm not quite
18 exactly -- I'm not sure exactly about the
19 timing, I think it was in the morning when he
20 all of a sudden was called to attend a
21 meeting with our home office. They had been
22 visiting from India.

23 And since he wasn't available and
24 Ms. Bielinski was already there.

25 THE WITNESS: I know you had been

Christian Hommerich

Page 15

1 Hommerich

2 waiting in the executive office sitting
3 there. We couldn't reschedule for you
4 to meet with Mr. Kuenstle. I was asked
5 to perform the interview instead.

6 BY MR. SCHWARTZ:

7 Q. Who asked you, Ms. Mancini? You
8 said "I was asked to," so who asked you?

9 A. It was either her or Mr. Kuenstle.
10 I don't remember.

11 Q. And were you aware of what had gone
12 on in the process -- the interview process
13 prior to that date? Had you been kept
14 abreast of what was going on?

15 A. No.

16 Q. Did you have anything in front of
17 you, any documents in front of you?

18 A. Nothing.

19 Q. You didn't have any personnel
20 records in front of you?

21 A. No.

22 Q. Did you understand whether
23 Ms. Bielinski was the finalist or one of
24 several finalists?

25 A. (Witness shook head.)

Christian Hommerich

Page 16

1 Hommerich

2 Q. You didn't know?

3 A. Nothing.

4 Q. When you -- by the time you saw
5 her, did you know?

6 A. No. I was called for the
7 interview, and I said okay, I'll interview
8 her.

9 Q. And what did you try to accomplish
10 in the course of your interview? What were
11 you trying to do?

12 A. I just tried to get information on
13 what you do at an interview, generally asking
14 about, trying to find out if this is the
15 right person for the position, meaning is the
16 person qualified to do the job, what had she
17 been -- accomplished during her years of
18 service or with the hotel.

19 Everything we -- I usually go
20 really into customer service, because that's
21 really what differentiates the Pierre from
22 other hotels. And I'm trying to assess if
23 this is the candidate that truly understands
24 customer service and -- and excellent --
25 providing excellent service.

Christian Hommerich

Page 17

1 Hommerich

2 Q. All right. And what was your
3 impression of Ms. Bielinski when you
4 interviewed her?

5 A. I read this again. Obviously, I
6 prepared myself. And I -- what I had said at
7 that point was that I felt that Ms. Bielinski
8 was very passionate about the job. She --
9 she was -- from what I could see, I had never
10 met her before, I -- I thought she -- she
11 proved well or she demonstrated to me in her
12 verbal communication that she knows what
13 exactly she has to do as banquet waitress,
14 how she delivers service.

15 Customer service was very important
16 to her. She was very eager to -- for the
17 position. Very passionate about the job and
18 about the hotel. Really proud of the hotel,
19 I should say.

20 Q. Did she appear to be qualified to
21 you?

22 A. I -- at that point, I -- after the
23 conversation -- after the interview, I said I
24 would pass her on.

25 Q. Pass her on to Mr. Kuenstle?

Christian Hommerich

Page 18

1 **Hommerich**

2 A. To be considered for the position.

3 Q. So, you would approve her hiring
4 for the position?

5 A. I did.

6 Q. And who did you communicate that
7 to?

8 A. To Mr. Kuenstle and to Ms. Mancini.

9 Q. Okay. When you said she couldn't
10 be rescheduled to see Mr. Kuenstle, why was
11 that? Was there a time pressure?

12 A. There seemed to have been. I
13 didn't know any of the details, but there
14 seemed to have been a time pressure, but I
15 didn't understand.

16 So, I -- she was there, and I -- it
17 was just communicated Mr. Kuenstle is called
18 away, Ms. Bielinski is waiting here. I
19 didn't know if it may have been that this was
20 already scheduled and postponed. So, maybe
21 for that reason, it was said that you have to
22 interview this candidate at this point.

23 Q. Did you, at any time, learn what
24 the time pressure was?

25 A. No.

Christian Hommerich

Page 19

1 Hommerich

2 Q. Okay. Now, the -- Exhibit 17, the
3 one that's for Mr. Pardo --

4 A. Um-hum.

5 Q. -- how did it come to pass that you
6 interviewed him?

7 A. I really don't remember. Again,
8 I -- it is -- it -- the practice of the hotel
9 was always it's either Mr. Kuenstle or myself
10 who will have to see a candidate. He -- I
11 know specifically that this candidate,
12 Ms. Bielinski, was scheduled for
13 Mr. Kuenstle.

14 And because of unexpected
15 scheduling conflicts, he wasn't available.
16 So, therefore, I conducted the interview.

17 How this came about, I'm not -- I
18 don't remember whether I was -- I was
19 scheduled -- I think I was scheduled.

20 Q. Okay. And what was your impression
21 of Mr. Pardo after your interview?

22 A. I thought that, quite frankly,
23 Mr. Pardo was -- I would have not passed him
24 on. He did not demonstrate that he was
25 really -- what he really wanted the job for

Christian Hommerich

Page 20

1 Hommerich

2 the sake of delivering great service. I did
3 not get the sense of his feeling very proud
4 of what he did.

5 He was very -- the reason why he
6 wanted the job he told me was because he was
7 getting old and he didn't want to carry any
8 weight anymore, and he wanted to retire
9 anyway. And it was all about more money.

10 And he did not really convince
11 me -- when I asked him, what can you do to
12 really provide customer service, he didn't
13 come up with any examples. He said once
14 there was an air-conditioning problem and
15 black stuff came out and he helped cleaning
16 that up. And that was his understanding of
17 delivering excellent customer service and
18 that simply was not enough.

19 Q. Okay. And did you also put that to
20 Mr. Kuenstle?

21 A. Yes.

22 Q. Now, after the -- these two
23 interviews --

24 A. Yes.

25 Q. -- did you have any further role in

Griselda Bialinski
60 W 57th ST
NEW YORK, NY 10019

March 16th, 2007

MR. PETER WARD
PRESIDENT OF LOCAL 6

Dear Mr. WARD:

IN regard to the application that I have made for the open position of Captain at the Banquet Department at the Pierre Hotel which is presently being decided; I am bringing to your attention and knowledge to the comments and remarks made by Captain of the Banquet Department who are themselves known as "the ruling click of the Department" (Union Insiders).

"You are too old to be named Captain"

"You are nothing more than a Coffee Shop waitress"

"Gigi will never be a Captain at the Pierre Hotel"

"Over my dead body"

"You have plenty of opportunity in 2 or 3 YEARS"

"Don't do anything"

"We are really the ones who make the decisions or promotions at this department"

"All of us, with the exemption of one, we have been Delegates and that will remain; so, Gigi you have no chances to become one"

I am also enclosing with the present note photocopies of correspondence that I have surrendered at the Department of Human Resources. All this is related to my application for the before mentioned posit

with thanks, I am,

Respectfully yours,

Griselda Bialinski

GRISELDA Birolinski
60 W 57th St.
New York, NY 10019

March 17th, 2007

MR. PETER Ward
PRESIDENT of LOCAL 6 Union.

DEAR Mr. Ward:

Today we have been informed from MR JAY LAUT himself, who is a CHOP STEWARD of your and my Union (LOCAL 6) that he has been promoted to Captain at the Banquet Department of the Pierre Hotel. Position for which I and many other workers with over 21 years of work as waiters and waitress in the same Department have also applied.

This gentlemen MR Jay Laut has only been working as a waiter in A List for just 3 YEARS.

He is obviously equipped with numerous, long and very powerful tentacles.

Is he at least as efficient for this job as most of the other applicants with over 21 years of service in the Banquet Department. IF so, what makes him a better choice for this promotion than the rest of applicants with over 21 years of service at the Banquet Department? Is this what is called nepotism in America? Mr Ward, we the group of unsuccessful applicants have been wronged by the promotion of MR JAY LAUT.

Our Union has not been a removed or remote bystander in this matter.

Excluding you MR. WARD, we have lost trust and confidence in all the Officers of our Union, this is the reason of why we are directly appealing to you to please have the kindness of redressing this mischievous and wrong act and decision.

AT OUR UNION YOU ARE OUR ONLY HOPE.

Please don't allow us to seek remedy elsewhere.

Sincerely yours, Griselda Birolinski

COPY

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 Case No. 07 CV 11636

4 -----x
5 GRISELDA BIELINSKI and
6 MARIO PARDO,

7 Plaintiffs,

8 -against-

9 HOTEL PIERRE,

10 Defendant.
11 -----x

12 DEPOSITION of GRISELDA BIELINSKI, taken by
13 the Defendant at the offices of Kane Kessler,
14 P.C., 1350 Avenue of the Americas, New York, New
15 York 10019, on April 28, 2008, at 10:15 o'clock
16 a.m., before Catherine M. Donahue, a Certified
17 Court Reporter and Notary Public within and for
18 the State of New York.

19
20 ROSENBERG AND ASSOCIATES

21 Certified Court Reporters & Videographers

22 575 Madison Avenue

23 New York, New York 10022

24 Phone: (212) 868-1936 Fax: (212) 868-1967

25 www.rosenbergandassociates.com

1 Griselda Bielinski - April 28, 2008

2 A. Right.

3 Q. You allege in this letter certain
4 comments that were made to or about you. I want
5 to go through them.

6 You say that these were comments
7 made by captains in the banquet department. The
8 first comment is you are too old to be made a
9 captain. Who made that statement to you?

10 A. Jack Racic.

11 Q. When did he make that statement?

12 A. All the time.

13 Q. When did he start making that
14 comment?

15 A. Since he knew that I make the
16 presentation for the promotion.

17 Q. So since you made the application?

18 A. Made the application.

19 Q. Which would have been like late
20 February or so?

21 A. Yes.

22 Q. And Jack is how old, did you say he
23 was --

24 A. Sixty-five.

25 Q. So he's older than you?

1 Griselda Bielinski - April 28, 2008

2 A. Right.

3 Q. And you're saying he told you you
4 were too old?

5 A. He said a lot of things about me.

6 Q. What else did he say about you?

7 By the way, did he say it directly
8 to you?

9 A. Yes.

10 Q. Okay.

11 A. And to everybody.

12 Q. To other servers, as well?

13 A. Yes.

14 Q. What else did he say?

15 A. Well, he said I don't qualify to be
16 a captain because I'm a coffee shop waitress,
17 I'm too old, I'm not listening to him.

18 Q. What did he mean by you're not
19 listening to him?

20 A. Because he makes a lot of jokes,
21 very bad jokes, very bad jokes within the group
22 and I don't pay attention. I should go and
23 report him, but I never did.

24 Q. Are you saying he makes jokes that
25 are inappropriate?

1 Griselda Bielinski - April 28, 2008

2 A. Yes.

3 Q. But you never reported it to
4 management?

5 A. No.

6 Q. When he said you are not paying
7 attention to him, he was referring to listening
8 to his jokes?

9 A. Yes.

10 Q. Did he ever criticize your
11 performance on the floor as a server?

12 A. He criticized everything.

13 Q. With respect to you or everybody?

14 A. Everybody.

15 Q. Did he mean that you weren't paying
16 attention to his directions during a banquet?

17 A. No.

18 Q. So he was just talking about the
19 jokes?

20 A. He tried to diminish me in any way
21 possible. All the time. It is a common
22 knowledge between us.

23 Q. Did you complain to anybody about
24 that?

25 A. No, only between us.

1 Griselda Bielinski - April 28, 2008

2 Q. Okay.

3 The next statement is, "GiGi will
4 never be a captain at the Pierre Hotel." Who
5 made that statement?

6 A. Jack Racic.

7 Q. What about "Over my dead body"?

8 A. Yes.

9 Q. The same one?

10 A. The same one.

11 Q. "You have plenty of opportunity in
12 two or three years."

13 A. Right, when I leave.

14 Q. So he was saying you should wait a
15 few years?

16 A. Yes.

17 Q. But he was also saying you were too
18 old. Does that make sense?

19 A. No, he doesn't make sense. It is
20 because he doesn't want me to be a captain with
21 him. He doesn't like to work with women.

22 Q. Did he say he didn't like to work
23 with women?

24 A. No. He said yes in the front.

25 Q. I'm sorry. Say that again.

1 Griselda Bielinski - April 28, 2008

2 A. In front of us he said all no, I'll
3 work with anybody.

4 Q. So he did not say I don't like
5 working with women?

6 A. No.

7 Q. But you believe he does not like
8 working with women?

9 A. Yes. Sure.

10 Q. Why do you believe that?

11 A. Because it is the truth.

12 Q. Are there other women servers?

13 A. Only one more. We have two women.

14 Q. Who is the other woman?

15 A. Linda Alfaro.

16 Q. Is she A or B list?

17 A. A list.

18 Q. She didn't apply for the captain's
19 position, did she?

20 A. No.

21 Q. Did Jack say these same things to
22 her?

23 A. In the past.

24 Q. In the past?

25 A. Yes.

1 Griselda Bielinski - April 28, 2008

2 A. No.

3 Q. So it was all the things that Jack
4 had said?

5 A. Yes. Another captain, Teddy
6 Fernandez, who always encouraged me to be a
7 captain. Off the record.

8 Q. Do you know if Teddy had any
9 influence in the decision?

10 A. No, I don't know.

11 Q. Do you know if Jack had more
12 influence than Teddy?

13 A. I don't know.

14 Q. So, as I understand, we have Jack
15 who made all these negative statements about
16 you?

17 A. Yes.

18 Q. And Joe said nothing?

19 A. No.

20 Q. And Teddy encouraged you?

21 A. Right.

22 Q. Do you know what the role of the
23 captains was in making this selection?

24 A. I have to point out, too, since you
25 make that kind of question, that one day I was

1 Griselda Bielinski - April 28, 2008
2 working and I was called by Mr. Nick Koutsakos,
3 a captain, and he asked me, "GiGi, how do you
4 like to work as a captain? You won't have to
5 set up. You wouldn't have to close. You
6 wouldn't work half the time for a part time with
7 me."

8 I said, "Oh, yes, of course, I like
9 that." Very encouraging. So I said, "Okay."

10 "Let me see what can I do."

11 He left and I never hear from him
12 again.

13 Q. When was this?

14 A. That was in the time when the
15 selection was going on.

16 Q. So Nick came up to you and was
17 encouraging you?

18 A. Yes, because he's a part time, he's
19 the only part-time captain because he had
20 problems with the heart; so he chose to have a
21 part-time job.

22 Q. So he was suggesting to you that you
23 might have the other half of his job?

24 A. Right, with him. So you work with
25 me, you're going to make half the money, but

1 Griselda Bielinski - April 28, 2008
2 you're going to work with me and work less. And
3 I said yes.

4 Q. And was it your belief that Nick had
5 the authority to select you to work as the other
6 half?

7 A. No, he didn't have the authority,
8 but he went to the office and I imagine that he
9 spoke with Chris Edmunds and the other captains.

10 Q. So, as I understand, the only
11 captain who spoke out against you was Jack?

12 A. Yes.

13 Q. I think there are two more captains
14 we haven't talked about. I don't know their
15 names.

16 Eddie Lezcano, did he say anything?

17 A. No.

18 Q. And there's one more?

19 A. Teddy Fernandez.

20 Q. You mentioned Teddy. You said he
21 encouraged you?

22 A. Yes.

23 Q. Nick apparently encouraged you, as
24 well. Joe didn't say anything?

25 A. No.

1 Griselda Bielinski - April 28, 2008

2 Q. Jack was very negative.

3 A. Yes.

4 Q. And then we're missing one person
5 and I don't know who it is. I don't have a
6 list. It is okay. Don't worry about it.

7 Other than Jack telling you we make
8 the decisions, do you have any other reason to
9 understand that the captains had the authority
10 to make the choice as to who was going to be
11 captain?

12 A. They don't have the authority to.
13 But the head waiters who chose somebody who will
14 work with them.

15 Q. Now, I am assuming that Nick doesn't
16 have a problem working with a woman since he
17 encouraged you?

18 A. No, to the contrary.

19 Q. And Teddy didn't have a problem?

20 A. No.

21 Q. You never had a conversation with
22 Joe about any of this?

23 A. No.

24 Q. Or with Eddie?

25 A. No.

1 Griselda Bielinski - April 28, 2008

2 Q. So the only person you believe that
3 had a problem with women was Jack?

4 A. Yes.

5 Q. Now, do you believe that the
6 captains as a group were opposed to your being
7 selected?

8 A. Yes, definitely.

9 Q. Aside from Jack, do you have any
10 reason to believe that the reason for their
11 opposition was your gender?

12 A. I think so.

13 Q. Why do you think so?

14 A. Because after a while, the captain
15 said that Jack said that Mr. Nick Koutsakos is
16 going to work full time now.

17 Q. Jack said that?

18 A. Yes.

19 Q. Why did that lead you to believe
20 that the decision was based on gender?

21 A. Because, I'm the only woman. They
22 never selected any woman in my field for an
23 application that I did.

24 Q. Are you saying that you believe that
25 their opposition to your selection was based on

1 Griselda Bielinski - April 28, 2008

2 Q. Do those notes look accurate to you?

3 A. It looks like, yes.

4 Q. Now, were there any questions that
5 Chris asked you that you thought were
6 discriminatory in any way?

7 A. No.

8 Q. Were there any questions he asked
9 you that you thought were inappropriate for
10 selection of a banquet captain?

11 A. No.

12 Q. Did he say anything, has he ever
13 said anything to you that would indicate that he
14 was making his selection based on gender?

15 A. No.

16 Q. Is there anything that Chris has
17 ever said to you that would indicate that he was
18 making his decision based on age?

19 A. No.

20 Q. Now, you were interviewed by someone
21 else after you were interviewed by Mr. Edmunds,
22 correct?

23 A. Yes.

24 Q. Do you know if all 12 applicants got
25 a second interview?

1 Griselda Bielinski - April 28, 2008

2 Q. No?

3 A. No.

4 Q. Are you clear in your memory, you're
5 absolutely certain that he didn't ask you how
6 the captain could improve banquet service,
7 you're certain about that?

8 A. No, not how to improve it, because I
9 have in my mind a lot of improvement for the
10 department.

11 Q. As you're sitting here today, you're
12 certain he did not ask you that question during
13 the interview?

14 A. No. Did you find anything written
15 on that?

16 Q. How long have you known Bill
17 Spinner? How long have you worked with Bill
18 Spinner?

19 A. The interview?

20 Q. No, no.

21 How long have you known him?

22 A. Fifteen years, probably.

23 Q. Has he ever said anything to you
24 that would indicate that he was making his
25 selection based on gender?

1 Griselda Bielinski - April 28, 2008

2 A. No, he's very correct.

3 Q. Do you find him to be honest?

4 A. Yes, he is a gentleman.

5 MS. STOLL: Let's mark this as
6 Exhibit E.

7 (Summary of Mr. Spinner's
8 interview was marked as Defendant's
9 Exhibit E for identification, as of
10 this date.)

11 BY MS. STOLL:

12 Q. Ms. Bielinski, I'm going to show you
13 a document that's been marked as Defendant's
14 Exhibit E, and I'll tell you that it is a
15 summary of Mr. Spinner's notes of his interview
16 with you.

17 If you look at the top, there are
18 three questions essentially, three areas of
19 inquiry. The last one is, "Suggest ways to
20 improve banquet service."

21 You're saying he didn't ask you that
22 question?

23 A. Well, the question here says,
24 "Improve banquet service and guest experience."
25 The question is how much experience I would have

1 Griselda Bielinski - April 28, 2008

2 (Discussion off the record.)

3 MS. STOLL: Back on the record.

4 Let's mark these notes as
5 Exhibit F and you can tell me if there's
6 anything inaccurate.

7 (Notes was marked as
8 Defendant's Exhibit F for
9 identification, as of this date.)

10 BY MS. STOLL:

11 Q. While we were off the record you
12 said the notes are hard to read but they're more
13 or less what you recollect, is that correct?

14 A. Right.

15 Q. Have you ever met Mr. Hommerich
16 before?

17 A. No.

18 Excuse me. Excuse me. Yes.

19 Q. He was fairly new at the hotel at
20 that time. You did meet him before?

21 A. We met at parties when he's
22 representing some guests as a high manager in
23 the hotels; so, we know him, yes.

24 Q. During his interview, did he
25 indicate in any way that he was discriminating

1 Griselda Bielski - April 28, 2008

2 against women?

3 A. No.

4 Q. Or older employees?

5 A. No.

6 Q. Now, do you know who participated in
7 the final decision about who was going to be
8 selected?

9 A. No.

10 Q. By the way, I'm going to ask you
11 about Heiko Kuenstel.

12 Do you know Mr. Kuenstel?

13 A. Yes.

14 Q. Has he ever said anything to you
15 that was discriminatory about women?

16 A. No.

17 Q. Has he ever said anything to you
18 that was discriminatory about your age?

19 A. No.

20 Q. I think I asked you this question.

21 Do you know who made the final
22 decision?

23 A. No.

24 Q. Do you know if Jay was also
25 interviewed three times?

1 Griselda Bielinski - April 28, 2008

2 A. Oh, Jay. I thought you said Jack.

3 Q. Jay.

4 A. For two reasons, because he is -- he
5 was a delegate and he's on the -- on the board
6 of the union.

7 Q. Those are the two reasons?

8 A. I'm not a delegate. I don't take
9 any positions in the union and I'm just a woman
10 trying to be a captain with the qualifications.

11 Q. You believe those are the reasons
12 that the captains, in your opinion, preferred
13 Jay over the other candidates?

14 A. Yes.

15 Q. Do you think that having the
16 experience of being a delegate is a criterion
17 for being a captain?

18 A. No.

19 Q. Why not?

20 A. Because there's no difference. The
21 job as a waiter or waitress is following orders
22 from captains. And if the captain is the
23 director of the orchestra, the waitress is the
24 composer. They have to know everything. So,
25 practically, I have to know everything that a

1 Griselda Bielinski - April 28, 2008

2 selected and he has the qualification, too.

3 Q. Did either of them say that they
4 thought they had been discriminated against?

5 A. No, nobody used that word.

6 Q. Including you?

7 A. Including me.

8 Q. You say in your complaint, and I'll
9 show it to you in paragraph 14, that
10 "Plaintiffs," and that's referring to you and
11 Mr. Pardo, "Plaintiffs were far more qualified
12 for the position than Laut." If you want to
13 take a look, paragraph 14.

14 Do you see that?

15 A. Yes.

16 Q. Why do you believe that you're more
17 qualified than Mr. Laut?

18 A. Because I'm working for 22 years and
19 I know the whole operation of the banquet
20 department.

21 Q. Do you know how long Mr. Laut has
22 worked as a banquet server?

23 A. At the Pierre?

24 Q. No, altogether. Let's start with at
25 The Pierre.

1 Griselda Bielinski - April 28, 2008

2 A. At The Pierre he has two years or
3 three years in A list, and another two or three
4 list on the B list.

5 Q. Actually, isn't it true that he was
6 hired in 1998?

7 A. According to your record, yes.

8 Q. But you don't believe that?

9 A. Yes.

10 Q. So he's been a banquet server at The
11 pierre for ten years?

12 A. Yes.

13 Q. Do you know where he worked before
14 he came to The Pierre?

15 A. No.

16 Q. Do you know what jobs he held before
17 he came to The Pierre?

18 A. Yes.

19 Q. What was that?

20 A. He was a waiter at the Regal Hotel.

21 Q. As a banquet waiter?

22 A. Yes.

23 Q. Do you know --

24 A. He was working B list over there.

25 Q. Do you know how long he had been a

1 Griselda Bielinski - April 28, 2008

2 banquet server over there?

3 A. No.

4 Q. How long has Mario been working as a
5 banquet server?

6 A. Probably more than 25 years.

7 Q. More than 25 years.

8 Does he have more seniority than
9 you --

10 MS. STOLL: Off the record for a
11 phone call.

12 (Discussion off the record.)

13 MS. STOLL: Back on the record.

14 Could you read back my last
15 question?

16 (Record read.)

17 A. Yes.

18 Q. Is it your belief that seniority is
19 the only qualification for promotion to banquet
20 captain?

21 A. I think he has acquired a lot of
22 experience working 37 years in the hotel in
23 different departments and that is a good
24 qualification for a promotion.

25 Q. Do you think he's more qualified

1 Griselda Bielinski - April 28, 2008

2 than you are?

3 A. Than me?

4 Q. Yes. Mario we're talking about.

5 A. Honestly?

6 Q. Yes.

7 What is your opinion? I won't tell
8 if you don't want me to.

9 A. Equal.

10 Q. Equal. That was very diplomatic.

11 Aside from your greater number of
12 years working at the hotel, was there any other
13 reason why you thought you were more qualified
14 than Jay?

15 A. Than what?

16 Q. Jay.

17 A. Yes.

18 Q. What were or was that reason or
19 reasons?

20 A. The way I take care of the guests.

21 Q. You think you do it better than Jay?

22 A. Yes.

23 Q. And why?

24 A. Because I like to be with people and
25 I'm very friendly. I have good manners and I

1 Griselda Bielinski - April 28, 2008
2 treat them with very special in every function.

3 Q. Do you think that Jay does not?

4 A. Well, Jay is more cool. He's more
5 direct and probably I make more friendly
6 thank-you notes at the moment than him, because
7 in every function the people thanked me very,
8 very much for the attention, for the service.

9 Q. Do you know if they thanked Jay?

10 A. I don't know. Because I don't look
11 what he's doing. I don't check on that.

12 Q. You know that you are good and that
13 you're friendly?

14 A. Very good.

15 Q. You don't really know if Jay is also
16 friendly and gets lots of thank-you notes, too?

17 A. He is a very quiet.

18 Q. He's quiet?

19 A. Yes.

20 Q. Is there any other reason why you
21 think you're more qualified than Jay?

22 A. I'm a woman.

23 Q. You think you're more qualified
24 because you're a woman?

25 A. Yes. The hotel needs a woman as a

1 Griselda Bielinski - April 28, 2008

2 captain.

3 Q. Is it your belief that you should
4 have gotten the job because you are a woman?

5 A. I believe so.

6 Q. And why is that? Why do you believe
7 that?

8 A. Mrs. Stoll, since the last 15 years
9 have an opening for a promotion, Diddie Calvez,
10 the general manager, select me as a captain and
11 I didn't get it. Jack was --

12 Q. When was that?

13 A. 1990, when Jack became a captain.
14 That's why they put out for a scrub captain.

15 Q. What is a scrub?

16 A. Scrub is part-time waiters,
17 part-time captain, whatever function.

18 Q. What is a scrap?

19 A. Scrub.

20 MR. SCHWARTZ: Scrub.

21 A. Scrub captain.

22 Q. You say Diddie Calvez selected you
23 as a captain in 1993?

24 A. Yes.

25 Q. What happened, why didn't you get

1 Griselda Bielinski - April 28, 2008

2 given extra consideration because you have
3 applied four times for the position?

4 A. As a woman?

5 Q. My first question is: Should you
6 get extra consideration because you have applied
7 four times?

8 A. As a woman, yes.

9 Q. But a man who applied four times
10 shouldn't be given extra consideration?

11 A. Yes. But, first, they have to be
12 equal --

13 Q. Yes.

14 A. -- to woman and man for the same
15 position with the qualification.

16 Q. Assuming, for example, Mr. Hernandez
17 was equally qualified and let's say he has
18 applied for the same openings that you have, do
19 you think you should get the job before him
20 because you are a woman?

21 A. Yes.

22 Q. Do you think you were denied the job
23 because you are a woman?

24 A. No idea why they denied me with no
25 explanation.

1 Griselda Bielinski - April 28, 2008

2 Q. Do you think you were denied the job
3 because you were, I believe you were 60 years
4 old last year?

5 A. Yes.

6 Q. Do you believe you were denied the
7 job because of your age?

8 A. I don't know. I don't know the
9 reason.

10 Q. Well, in your complaint you allege
11 that you were denied the job --

12 MR. SCHWARTZ: She wants to know
13 what you believe.

14 Q. -- because of gender and your age.

15 Do you believe that you were denied
16 the job because of your gender?

17 A. Yes.

18 Q. And what's the basis of your belief?

19 A. You asked me that already. I'm a
20 woman.

21 Q. Is it because you're a woman and Jay
22 isn't, is that why you believe that you were
23 discriminated against on the basis of gender?

24 A. Yes.

25 Q. And what's the basis of your belief

1 Griselda Bielinski - April 28, 2008
2 that you were denied the job because of your
3 age?

4 A. Yes.

5 Q. Yes, what is the basis of your
6 belief?

7 MR. SCHWARTZ: Describe why.

8 A. Because I'm too old.

9 Q. Who said you're too old?

10 A. Jack said.

11 Q. Anybody else?

12 A. No.

13 Q. Is there any other reason you
14 believe you were denied the job because of your
15 age?

16 A. No.

17 Q. Is there any other reason? You gave
18 me a couple reasons why you thought you were
19 more qualified for the job than Jay and one of
20 them was the length of your experience. One of
21 them was that you were very friendly and helpful
22 to the guests.

23 Was there any other reason that you
24 believe you were more qualified than Jay?

25 MR. SCHWARTZ: Can you repeat the

1 Griselda Bielinski - April 28, 2008

2 question?

3 (Record read.)

4 MR. SCHWARTZ: Explain all of
5 your reasons.

6 THE WITNESS: Okay.

7 A. I know how to handle the captain's
8 job inside a hotel in the banquet department. I
9 know how to handle the function on breakfast,
10 lunch or dinner. I know how to organize the
11 help that I would need for that function.

12 That's all.

13 Q. Do you believe that Jay does not
14 know how to handle the captain's job?

15 A. No, he does.

16 Q. Do you believe that he doesn't know
17 how to handle all the functions, breakfast,
18 lunch and dinner?

19 A. He does.

20 Q. And do you believe he doesn't know
21 how to organize the help he needs?

22 A. No, he does.

23 Q. Do you think you can do it better?

24 A. Yes.

25 Q. Why do you think you can do it

1 Griselda Bielinski - April 28, 2008

2 better?

3 A. Because of my personality.

4 Q. What is it about -- I'm sorry to be
5 picky, but what is it about your personality
6 that makes you think you can do it better?

7 A. I'm very open. I'm very
8 inquisitive. I'm very curious. I'm very
9 detailed, in particular, the functions. I'm
10 aware of what the function should need and the
11 guests need.

12 Q. And you think Jay's personality is
13 not as suitable for the position of captain?

14 A. No, it's not. But I think that I
15 would do a little better in general.

16 Q. Would it be fair to say, I don't
17 want to put words in your mouth, but it would be
18 fair to say that you think Jay was qualified but
19 you think you would be slightly more qualified?

20 A. Yes.

21 Q. Again, you don't know how he
22 answered the questions in the interviews?

23 A. No.

24 Q. Nobody discussed that with you?

25 A. No.

1 Griselda Bielinski - April 28, 2008

2 qualified than him?

3 A. Yes.

4 MR. SCHWARTZ: I have no further
5 questions.

6

7 FURTHER EXAMINATION BY MS. STOLL:

8 Q. Again, you believe not that Mr. Laut
9 wasn't qualified, but that your personality was
10 more suitable because you're friendlier or
11 you're friendly and you know how to handle the
12 function and the job, is that correct?

13 A. Yes.

14 Q. And there's nothing else specific
15 that you can tell me about why you believe
16 you're more qualified?

17 A. I have experience. I have age. I
18 have the sex. I have the skill.

19 Q. Do you think that Mr. Laut is
20 unskilled in the job?

21 A. I don't judge him. I'm talking
22 about myself.

23 Q. The only reason I'm asking you about
24 Jay is because you were comparing yourself to
25 him and you said you were more qualified. So, I

1 Griselda Bielinski - April 28, 2008
2 wanted to know why you thought your skills
3 better qualified you for the job than Jay?

4 MS. STOLL: Off the record.

5 (Discussion off the record.)

6 MS. STOLL: Back on the record.

7 BY MS. STOLL:

8 Q. Why should you get the job?

9 A. I know all the points. I know all
10 the segments or the function of the whole
11 process of being a captain.

12 Q. I think you also testified that, as
13 far as you know, Jay also does, is that correct,
14 that he also knows everything, he knows the
15 whole process of being a captain?

16 A. I didn't test him; so, I don't know.
17 You said that.

18 Q. You don't know whether he does or
19 not?

20 A. Exactly.

21 Q. All right.

22 A. I know my qualifications.

23 Q. Is there anything that you have
24 noticed about him that you think is a negative
25 about his being selected as captain, something

COPY

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
Case No. 07 CV 11636

3 -----x
GRISELDA BIELINSKI and
4 MARIO PARDO,

5 Plaintiffs,

6 -against-

7 HOTEL PIERRE,

8 Defendant.
9 -----x

10 DEPOSITION of MARIO PARDO, taken by the
11 Defendant at the offices of Kane Kessler, P.C.,
12 1350 Avenue of the Americas, New York, New York
13 10019, on April 28, 2008, at 2:35 o'clock p.m.,
14 before Catherine M. Donahue, a Certified Court
15 Reporter and Notary Public within and for the
16 State of New York.

17
18
19
20 ROSENBERG AND ASSOCIATES
21 Certified Court Reporters & Videographers
22 575 Madison Avenue
23 New York, New York 10022
24 Phone: (212) 868-1936 Fax: (212) 868-1967
25 www.rosenbergandassociates.com

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2 retire."

3 That's what I told him.

4 Q. Did you say that you can take better
5 care of your family, that's why you wanted the
6 job?

7 A. Yes, to promote that, yes, that's
8 true.

9 Q. And because you didn't have to carry
10 so much weight as a captain?

11 A. That, too. Like supervisor, you
12 know, yes, that's true, I told him that.

13 Q. Did you think that was the best
14 answer to that question in an interview?

15 A. No. I was sincere. I was sincere.
16 I wasn't trying to like -- I was sincere.

17 Q. Are you telling me that
18 Mr. Hommerich asked you how old you were?

19 A. I think it was, like he said, what
20 are you planning to do. And I told him, I said,
21 how old are you, and I told him how old I was.

22 Q. Did he ask you how old you were?

23 A. No, I told him.

24 Q. Okay.

25 By the way, when you said you would

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2 be better able to take care of your family, what
3 did you mean by that?

4 A. I mean to be better. You know,
5 better living, because I would make a lot more
6 money; so, it is obvious.

7 Q. You wanted the job because it would
8 pay more?

9 A. It would pay more.

10 Q. During the interviews with Bill
11 Spinner and Mr. Hommerich, did either of them
12 say anything negative about your age?

13 A. No. No.

14 Q. And nobody said you're too old for
15 this job?

16 A. No. No.

17 Q. Did any of them ask any questions
18 that you thought were discriminatory on the
19 basis of age?

20 A. On the basis of age? I don't
21 remember.

22 Q. Did anybody else in management
23 during this entire process say anything to you
24 about your age?

25 A. No. No.

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2 Q. Has anyone in management ever said
3 anything to you about your age?

4 A. You're talking about management,
5 right?

6 Q. Management, yes.

7 A. No.

8 MR. SCHWARTZ: I'm just going to
9 object to the form. The question is
10 whether banquet captains are management
11 or not.

12 MS. STOLL: Excluding captains.

13 BY MS. STOLL:

14 Q. Excluding captains. Just for the
15 purpose of this question, now I'm going to ask
16 you that question about captains.

17 Did any of the captains say anything
18 negative about your age with respect to your
19 taking the captain's position?

20 A. They would say you have many years
21 to carry dishes. You have more years to carry
22 dishes.

23 Q. Did you take that as a negative
24 comment about your age?

25 A. I think the way I take it, they say

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2 you have to the carry dishes all your life.

3 That's the way I take it.

4 Q. Was that a comment about your age,
5 though?

6 A. What could it have been?

7 Q. Okay.

8 So, basically, they were still
9 saying you're still capable of carrying dishes?

10 A. I'm capable until 120 years.

11 Q. I don't know about that.

12 Do you believe that the process that
13 the hotel went through in the interviews that
14 you went through were fair?

15 A. No.

16 Q. Why not?

17 A. Because when Mr. Laut announced
18 himself that he was going to become a captain,
19 he worked for I think one week and he
20 disappeared for a month. It was more than 15
21 days. They told him to take off. I don't know
22 why.

23 Q. Let's talk about that day.

24 Were you at work on March 17?

25 A. March 17, that was St. Patrick's

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2 present when he made the announcement?

3 A. Management, no. He was by himself
4 and the crew of waiters. No management was
5 there.

6 Q. Did you think it was strange that
7 none of the management people made the
8 announcement?

9 A. I was the first one to ask him, "Why
10 don't you wait until management announced? Why,
11 you did this wrong? It was a surprise. You
12 have to wait for management to say it."

13 He said, "Oh, no. It is okay." He
14 told me like that.

15 Q. Do you know what they were talking
16 about before they came out of that room?

17 A. No, I don't know what they were
18 talking about.

19 Q. In your complaint you and GiGi both
20 allege that Jay is less qualified than you, than
21 you and she.

22 A. Okay.

23 Q. Why do you believe that Jay is less
24 qualified?

25 A. I believe because I have more

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2 knowledge than him. I have been there long
3 enough. I know the customers by their names.
4 The customers know me. And I have been a
5 delegate, assistant delegate. I know how they
6 do the scheduling. I know how to do the
7 diagrams. I know the payroll.

8 Q. Did you think that being a union
9 delegate was one of the criteria for --

10 A. I think so, because for the past
11 practice, all the delegates became a captain.
12 Jack Salmeiri. Jack Racic was a delegate. They
13 became a captain.

14 Q. Do you think that was an important
15 consideration for management to take into
16 consideration?

17 A. Management, I think, is how you call
18 this, is pushed to do that.

19 Q. You think they're pushed to do it?

20 A. I don't know. I don't know because
21 there is a pattern. All the delegates that
22 became delegates became the captain.

23 Q. You mentioned that you thought that
24 that was one of the qualifications that you had.
25 You had served as assistant delegate?

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2 A. Yes.

3 Q. Did you think that was a positive in
4 your resume that you had that experience?

5 A. Yes. Yes, of course. Because you
6 know how you can handle problems between
7 management and union members. Because you have
8 experience if there is conflict, you have to
9 resolve it right there. That's the right way to
10 do it.

11 Q. And Jay was a delegate, wasn't he?

12 A. For one year.

13 Q. I think it was more than that, but
14 that's okay.

15 Did you think that was an important
16 qualification for him in his favor?

17 A. I don't see it that way. I don't
18 see it that way. He could have been delegate by
19 the peers. It is different. I don't know, the
20 waiters are different. They're different
21 people. They're there for different -- it is
22 different ways.

23 Q. Did you think that, that Jay had
24 less knowledge of the job than you did?

25 A. Less knowledge, definitely.

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2 MR. SCHWARTZ: We don't know. In
3 the file, the way you gave us the file,
4 it comes before -- it comes right after
5 the first round of interviews.

6 MS. STOLL: Okay.

7 MR. SCHWARTZ: Okay.

8 BY MS. STOLL:

9 Q. Do you think that he was interviewed
10 by Heiko before March 17 or after March 17?

11 A. After. It was after. After April,
12 I think.

13 Q. And you were interviewed by
14 Christian Hommerich after March 17?

15 A. Yes.

16 Q. Your second interview by Bill
17 Spinner was after March 17?

18 A. Right. Right.

19 Q. Okay.

20 Is it your belief that the union
21 itself, not the captains, but the union itself
22 influenced the hotel's decision about who to
23 select?

24 A. I think so.

25 Q. And why do you believe that?

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2 A. Why?

3 Q. Yes.

4 A. Because every delegate is reviewed
5 by the peers to become captain. The waiter is
6 not a delegate -- a waiter there is promoted as
7 captain, it never happened. All the ones who
8 have been a delegate, I think the union is like,
9 how you call it, recommends to be -- that person
10 to be the captain.

11 Q. But you were a delegate and an
12 assistant delegate?

13 A. Yes.

14 Q. So that could have been helpful to
15 you?

16 A. Yes.

17 Q. Do you think that the union was
18 discriminating on the basis of age when it
19 recommended delegates, if it did?

20 A. I don't know. I don't know about
21 that. I don't know. I don't know if they
22 discriminate or not. I don't know.

23 MS. STOLL: I hate to do this. I
24 don't have that much more, but I really
25 have to take this call.

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2 Off the record.

3 (Whereupon, at 3:52 p.m., a
4 recess was taken until 4:49 p.m.)

5 MS. STOLL: Back on the record.

6 Would you read back the last
7 question?

8 (Record read.)

9 BY MS. STOLL:

10 Q. Now, you allege in your complaint
11 that you were denied this promotion because of
12 your age, right?

13 A. Yes. Yes.

14 Q. What is the basis of your belief
15 that you were denied the promotion because of
16 your age?

17 A. Well, I feel like I'm 58 -- I'm
18 going to be 58. The person that they choose was
19 38 years old. So they prefer a younger person,
20 the other waiters that have applied.

21 Q. But nobody said anything to you that
22 would lead you to believe that age was a factor,
23 did they?

24 A. No. It is just my feeling, my
25 personal feeling.

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2 Q. And the fact that the person they
3 picked was younger than you?

4 A. Yes.

5 Q. I'm not quite sure what his age is.

6 A. I think, I mean, it is between 38
7 and 40; so, he wasn't born before I was there.

8 Q. Do you know where he worked before?

9 A. Royal Regal.

10 Q. Do you know how long he had worked
11 there?

12 A. No.

13 Q. Do you know how much experience he
14 has as a banquet waiter?

15 A. No. Looking at the paperwork, I
16 think it says a few years.

17 Q. Is it your belief that the length of
18 your experience should be the most important
19 factor in the decision about who would be
20 captain?

21 A. Yes, I think so, yes, definitely.

22 Q. Do you have more experience than
23 GiGi as a waiter, correct?

24 A. Yes.

25 Q. Do you think you should have been

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2 picked before her?

3 A. For seniority, I think, yes.

4 Q. You think it should be solely by
5 seniority, the selection?

6 A. Yes.

7 Q. In the past selections, has it been
8 done by seniority?

9 A. No.

10 Q. Is there any requirement in the
11 collective bargaining agreement that the
12 selection be by seniority?

13 A. No. No.

14 Q. Do you think that there are other
15 factors that should go into the decision about
16 who was selected to be captain other than length
17 of service?

18 A. If I think if there are other
19 factors?

20 Q. Yes.

21 A. Like what?

22 Q. I don't know. Do you think it
23 should just be seniority?

24 A. No. It has to be about knowledge
25 and service, the way you perform the job.

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2 Q. Did you think that Jay had knowledge
3 of banquet service?

4 A. He knows some. He knows.

5 Q. And you don't know how he answered
6 the questions in the interview, of course,
7 right?

8 A. No. No.

9 Q. And you also know that all the
10 current captains are in their 60s, some well
11 into their 60s, right?

12 A. Right.

13 Q. You said earlier, I just want to
14 explore this a second and then I'm going to wrap
15 it up.

16 You said earlier that you thought
17 that the union was pushing certain people or
18 recommending certain people?

19 A. Recommending.

20 Q. Because they were delegates?

21 A. Yes.

22 Q. Do you think that's the reason that
23 you were not selected, or was it age, which was
24 it?

25 A. I think it was both, age and the